

US EPA ARCHIVE DOCUMENT

1 U.S. ENVIRONMENTAL PROTECTION AGENCY
2 PUBLIC HEARINGS
3 REGARDING EPA OBJECTIONS TO 36 DRAFT NPDES PERMITS
4 FOR DISCHARGES ASSOCIATED WITH COAL MINING

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9 Transcript of Public Hearing held on
10 June 7, 2012, commencing at 7 p.m.
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16 Eastern Kentucky Exposition Center
17 126 Main Street
18 Pikeville, Kentucky
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22 Lisa M. Schwarze, RPR, KyCCR
23 Registered Professional Reporter
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1 MS. MacPHERSON: Okay. Good evening,
2 everyone. If you could please take your seats.
3 We would like to get started. My name is Charlie
4 MacPherson, and I'll be facilitating tonight's
5 session.

6 My role tonight is to ensure that as many
7 people as possible have the opportunity to share
8 comments and that we do so in a safe and secure
9 environment. So to help achieve those objectives,
10 I just want to review a couple of the ground
11 rules. Everyone should have a copy of these
12 ground rules on the agenda that you should have
13 picked up on your way in. But I just want to
14 review a couple of them. First of all, please
15 show courtesy to all the speakers. Everyone
16 deserves a chance to be heard, and please respect
17 when they are speaking. Any disruptions is just
18 going to take time away from another speaker. So
19 I appreciate that.

20 Second, for the speakers we have established
21 time limits; again, so that we can try to hear as
22 many comments as possible tonight. So please
23 adhere to those time limits so that our other
24 speakers can also share their comments. In terms
25 of if you have cell phones, please turn off the

1 ringers, put them on vibrate. If you do need to
2 have any conversations, please do so outside of
3 the hearing area out of respect to the other
4 speakers.

5 In addition to your agenda that you have, it
6 is a white piece of paper, on the back side is a
7 form that you can use to submit any written
8 comments that you have. And you can leave that at
9 the registration table. These written comments,
10 in addition to the statements that are being made
11 tonight and any other materials that you want to
12 leave, will all be made part of the administrative
13 record. In addition, we are making a transcript
14 of everything that's being said tonight, and that
15 will be made available on EPA's website.

16 Finally, we are providing sign language
17 interpreters tonight for anyone who might need
18 that service. I just want to see if there is
19 anyone in the room, if you could stand up, that
20 does need the sign language services so we could
21 move you closer to the front. Okay, I don't see
22 anyone at this time. But I'll ask at one more
23 point during the hearing.

24 I want to briefly review the process we're
25 going to follow for making our statements tonight.

1 Everyone who has expressed interest or registered
2 on-line to make a statement should have received a
3 speaker number in the upper corner on an orange
4 sheet of paper. So if you think you are
5 registered but you have not received this, please
6 go out to the registration table now so you can
7 get your number. Okay, I'll be going into more
8 detail about the speaking process after our
9 opening remarks.

10 But at this time, I would like to introduce
11 Jim Giattina, who is the presiding officer for
12 this hearing.

13 MR. GIATTINA: Thank you, Charlie. Good
14 evening, everyone. I'm Jim Giattina, Director of
15 the Water Protection Division of the U.S.
16 Environmental Protection Agency's regional office
17 in Atlanta, Georgia. EPA's Regional Administrator
18 has designated me to conduct this public hearing.
19 Mark Nuhfer, chief of our municipal and industrial
20 permit section, is assisting me this evening. And
21 I want to thank everybody for being here, and I
22 appreciate the City of Pikeville for allowing us
23 to hold the hearing here this evening.

24 As I said, let me start by thanking you for
25 being here. I know you are very busy folks. And

1 I want to say that we recognize that coal mining
2 operations are critically important to Kentucky
3 and for meeting our energy needs as a nation. We
4 recognize that many of you are worried about jobs.
5 We also know that many of you are concerned about
6 the impacts coal mining may have on your health
7 and environment. The purpose of this hearing is
8 to listen to your concerns, especially as they
9 relate to the 36 permits the EPA has objected to
10 that are the subject of this hearing.

11 I want to note that EPA and the Kentucky
12 Energy and Environment Cabinet have been working
13 over the past two years to identify a set of
14 common sense practices and appropriate permit
15 conditions that we believe protect and will
16 improve water quality while addressing the
17 industry's concerns for clarity and cost
18 effectiveness. Most of these practices have been
19 developed by experts here in Kentucky and are
20 beginning to be implemented at local mines. For
21 example, some mining companies are redesigning
22 mines to reduce the number, size, and location of
23 fills, they are more carefully monitoring
24 pollution levels in stream biology at their mines,
25 and using realtime adaptive management techniques

1 to prevent problems downstream. They are
2 beginning to find, target, and isolate specific
3 sources of pollutants to keep them away from the
4 water. This is the kind of innovation and care
5 that will help ensure coal mining remains a
6 vibrant part of this local economy. Our desire at
7 EPA is for the Commonwealth to move forward and
8 issue permits that require these kinds of
9 innovative approaches and that have appropriate
10 pollutant limits to protect water quality.

11 Let me briefly give you some additional
12 background information that is important for you
13 to understand as you make your oral or written
14 comments. The permits that we are discussing are
15 water discharge permits, known as National
16 Pollutant Discharge Elimination System, or NPDES,
17 permits. And these permits are required by the
18 Clean Water Act. An NPDES permit is the basic
19 tool for controlling water pollution, and it
20 contains conditions and limitations to protect
21 water quality and its many uses, such as fishing,
22 swimming, canoeing, and as a source of drinking
23 water. The Clean Water Act requires that NPDES
24 permits include pollutant limits stringent enough
25 to ensure that discharges do not cause violations

1 of the Commonwealth's own water quality standards.
2 As part of the permitting process, Kentucky
3 provides copies of draft NPDES permits to EPA for
4 our review.

5 Now, since August of 2009, based on
6 information provided by the Kentucky Division of
7 Water, the Division has issued individual NPDES
8 permits for approximately 87 surface mining
9 projects and 28 underground mines or coal
10 preparation plants. Additionally, the Division
11 has allowed approximately 2,500 new and existing
12 coal mining projects to proceed under its general
13 permit authority. Over the past two years, the
14 EPA has objected to the issuance of a number of
15 draft permits by the Division, 36 of which remain
16 and are the subject of this hearing.

17 While the majority of mining projects that
18 need NPDES permits in Kentucky have received
19 authorization to go forward, EPA remains concerned
20 with mining discharges. In 2010, the Kentucky
21 Division of Water estimated that at least 1,522
22 miles of Kentucky's rivers and streams are
23 threatened or impaired due to mining. Recent
24 studies, as well as the experiences of coalfield
25 communities, point to new environmental challenges

1 largely unknown even 10 years ago. Sediment,
2 salts, and metals that runoff from poor mining
3 practices can destroy the habitat that sustains
4 fish and other forms of aquatic life in eastern
5 Kentucky waterways. They threaten sources of
6 drinking water and can affect the quality of life
7 for the people of this region. Our objections to
8 these 36 draft NPDES permits are based on the same
9 fundamental concern, that permits must be strong
10 enough to control pollution from these mines,
11 pollution that can harm human health and aquatic
12 life.

13 This evening, we are here to listen to the
14 concerns that you have about these permits. And,
15 in particular, it is important that we receive any
16 specific information you have with regard to these
17 mines and the waters they discharge to. I know we
18 are limited tonight in how many people can speak.
19 I encourage everyone who is interested in
20 contributing comments and unable to speak tonight
21 to do so in writing, and that contact information
22 is provided at the table in the back.

23 The public comment period will close on
24 June 21st. I want to emphasize at this point that
25 no final decisions have been made. After

1 considering all of the comments, the data and
2 information received on the permit objections,
3 EPA's Regional Administrator in Atlanta will make
4 a decision to reaffirm, modify, or withdraw each
5 of the original objections. Once these decisions
6 have been made, we will notify the Kentucky
7 Division of Water, each of the permit applicants,
8 and all of those who have registered and provided
9 a mailing address. Our decisions will also be
10 posted on EPA's website.

11 If we withdraw any objections, the Kentucky
12 Division of Water will be able to move forward and
13 issue those permits. If we reaffirm or modify any
14 objections, the Division of Water can send us
15 revised draft permits within 30 days that address
16 our concerns. And if for some reason we cannot
17 reach agreement with the Division, then EPA will
18 issue a permit for those particular mines.
19 However, as I said earlier, I am hopeful that we
20 will be successful in reaching agreement on the
21 permits with the Kentucky Cabinet.

22 This is our opportunity to hear directly from
23 you, and I want to thank you again for being here
24 and for participating in this process. At this
25 time, I will turn it back to Charlie, who will

1 moderate the remainder of the hearing. Thank you.

2 MS. MacPHERSON: Thank you, Jim. In terms of
3 how we're going to operate with the speakers, I'm
4 going to be calling the numbers out in blocks of
5 20. And when I call your block and it has your
6 number, I'm going to ask you to go to the back of
7 the room, the back right, where two of our staff,
8 who are standing there now with numbers, and they
9 will give you a briefing on the speaking process,
10 and then they'll send you back at the appropriate
11 time. So at this time, I would like numbers 1
12 through 20 to go to the back right of the
13 auditorium. Could you guys hold up your numbers?
14 There we go. Thank you.

15 So at this time, I would like to introduce
16 Secretary Peters of the Kentucky Energy and
17 Environment Cabinet and Commissioner Bruce Scott
18 of the Kentucky Department for Environmental
19 Protection to make some opening remarks.

20 SECRETARY PETERS: Thank you, Charlie. Good
21 evening. I am Len Peters, Secretary of Kentucky's
22 Energy and Environment Cabinet. And on behalf of
23 Governor Steve Beshear, I want to thank Region 4
24 for conducting this hearing to receive comments on
25 their objections to Clean Water Act permits for

1 surface mining operations in eastern Kentucky.

2 Today's hearing is unprecedented in Kentucky.
3 Also unprecedented is the State feeling compelled
4 by matters of principle to sue the U.S. EPA, which
5 we did in 2010, because of what we deemed to be
6 arbitrary and inconsistent application of policies
7 governing mining operations. My comments today
8 regarding EPA's objections to these permits,
9 therefore, are consistent with the concerns we
10 have expressed for more than two years now
11 regarding this issue.

12 As someone responsible for overseeing the
13 State's environmental protection programs, I
14 support and am, in fact, obligated to enforce
15 regulations necessary to protect our land, air,
16 and water resources. We can and must do all that
17 is reasonably possible to protect our environment
18 and the lives and health of our citizens. We have
19 federal and state laws and regulations that not
20 only guide this process but that bind us so that
21 our decisions are not arbitrary, political, or
22 otherwise without basis. Environmental permitting
23 is not designed to stop legitimate business
24 activities, whether we are talking about a mining
25 activity, a manufacturing facility, or a water

1 treatment plant. Rather, permitting is to ensure
2 these activities are done in accordance with
3 existing laws and regulations. Regulators and a
4 regulated community need certainty in the process.
5 In addition, regulators and a regulated community
6 need to be assured the decisions are made fairly
7 and reasonably, based on accepted scientific
8 studies and analysis.

9 The Energy and Environment Cabinet and the
10 U.S. EPA have an important partnership, and we
11 share the same mission, to protect human health
12 and the environment and to ensure environmental
13 protection laws and regulations are implemented
14 and enforced fairly and reasonably. Kentucky
15 cannot simply reject surface mining permit
16 applications that are in accordance with existing
17 laws and regulations. Despite the rhetoric from
18 some, surface mining, including mountaintop
19 removal mining, is a legal form of mining that
20 occurs on privately-owned land. We follow the
21 federal Surface Mining Control and Reclamation
22 Act, the Clean Water Act, and other federal
23 provisions in operating the Kentucky program.
24 Coal can be and is being mined in an
25 environmentally responsible manner. We continue

1 to make improvements, and the industry has been
2 willing to do things better. For example, the
3 Beshear Administration initiated a novel approach
4 to ensuring enhanced environmental protection of
5 surface mining operations through a fill
6 minimization protocol, a protocol that should have
7 been embraced by the EPA but was not.

8 All sources of energy production use, even
9 renewables, have an environmental impact. But
10 existing laws and regulations are in place to
11 minimize impacts and to reclaim mined land. That
12 is what is disconcerting to us, that EPA has
13 applied a specific benchmark, that is
14 conductivity, to Appalachian coal mining, a
15 de facto standard has been based on what should be
16 very narrowly interpreted incomplete science, not
17 one that should be a surrogate measure of overall
18 water quality.

19 I read an opinion piece in the paper this
20 week that even misrepresents the facts by saying
21 that conductivity is a measure of contamination.
22 The EPA knows and I know that this is not true,
23 and yet many people do not know otherwise.
24 Governor Beshear and I recognize and respect that
25 EPA has a responsibility and obligation to revise

1 and update regulations and program requirements as
2 necessary to protect human health and the
3 environment. However, EPA should not create new
4 regulatory requirements that have not undergone
5 the appropriate Congressional or rulemaking
6 processes.

7 As it is, EPA is preventing through its
8 objection process Kentucky, a delegated state,
9 from issuing permits with no recourse for us or
10 for the regulated community or for the thousands
11 of Kentuckians who depend on mining for their
12 livelihoods. We should not allow a few studies,
13 studies that have credible counterpoints, to
14 determine the economic destiny of one region of
15 the country. We have allowed rhetoric and
16 misinformation to overwhelm what should be a
17 legitimate discussion of very important issues,
18 jobs, human health, the environment, and the
19 rational application of administrative oversight.

20 I will close by saying that I appreciate the
21 efforts of the staff within Region 4. They worked
22 closely with our Cabinet to arrive at a solution
23 to move these permits forward. We were assured by
24 headquarters that if we were to reach agreement,
25 which we did, that EPA would honor that agreement.

1 Unfortunately, that ultimately was simply not the
2 case, and many months later we are still all
3 experiencing the consequences of headquarters'
4 actions.

5 Thank you for the opportunity to offer some
6 opening remarks.

7 (Applause)

8 COMMISSIONER SCOTT: Good evening. My name
9 is Bruce Scott. I'm the Commissioner of the
10 Kentucky Department for Environmental Protection.
11 I want to thank you for the opportunity to provide
12 comments today regarding EPA's pending objections
13 to 36 draft KPDES permits for discharges
14 associated with coal mining operations in eastern
15 Kentucky.

16 The Commonwealth of Kentucky has been
17 delegated authority by U.S. EPA to administer the
18 NPDES program in Kentucky since 1983. Since 1983,
19 there have been tens of thousands of NPDES permits
20 proposed and issued by Kentucky for wastewater and
21 storm water discharges across the Commonwealth,
22 ranging from individual homes, to cities, to
23 industries, and to coal mining operations. The
24 Agency is aware of only one prior instance where
25 an EPA permit objection of a Kentucky proposed

1 draft NPDES permit may have occurred. That was
2 approximately 25 years ago for an industrial
3 operation. No previously proposed NPDES permit
4 for a coal mining operation has ever previously
5 been objected to. However, since April of 2010,
6 EPA has objected to approximately 40 proposed
7 individual NPDES coal mining permits and has
8 approved only one individual NPDES permit for a
9 new or expanded surface mining operation in
10 eastern Kentucky. Since receiving NPDES
11 delegation in 1983, Kentucky has maintained
12 conformance with federal EPA regulatory
13 requirements. Simply stated, Kentucky's
14 regulations and regulatory requirements are the
15 same as the federal regulations and regulatory
16 requirements.

17 With regard to the 36 EPA permit objections
18 subject to the public hearing here today, it is
19 noteworthy to point out that EPA has not made any
20 changes to the federal NPDES regulations that are
21 subject to these permits of this hearing today
22 since April of 2010. In addition, there have been
23 no changes to the applicable water quality
24 standards at the state or federal level that apply
25 to Kentucky waters that are at issue in these

1 permit objections since 2010, of April. The
2 question, therefore, must be asked: What changed?
3 What state or federal regulations have changed
4 that has resulted in these EPA objections since
5 April of 2010?

6 While that question remains pending, Kentucky
7 has continued to work extensively with the EPA to
8 address EPA's evolving comments and concerns that
9 have been expressed over the past two plus years.
10 Kentucky has provided numerous proposed draft
11 permits, both formally and informally, consistent
12 with existing state and federal regulations in an
13 effort to resolve these objections. We have
14 remained committed and hopeful that a resolution
15 of these objections can and will be achieved.

16 With specific respect to the EPA permit
17 objections subject to this public hearing this
18 evening, the EPA's stated concerns primarily fall
19 into two categories. First, with respect to how
20 the reasonable potential analysis, or RPA, was
21 performed to determine whether the proposed
22 discharges have a reasonable potential to cause or
23 contribute to a violation of Kentucky's water
24 quality standards. And, secondly, the
25 establishment of permit requirements in accordance

1 with the determination of that reasonable
2 potential analysis.

3 With respect to the first issue, Kentucky
4 followed existing EPA-approved RPA procedures,
5 regulations, and application requirements
6 consistent with 40 CFR 122.44 and 40 CFR 122.21.
7 Specifically, Kentucky evaluated available
8 discharge data and/or requested discharge data
9 where it was unavailable for new discharges, as
10 per existing regulatory requirements and
11 permitting procedures.

12 With respect to the second issue, Kentucky
13 imposed a combination of chemical specific
14 limitations and monitoring requirements, whole
15 effluent toxicity limitations and monitoring
16 requirements, best management practice
17 requirements, and instream biological assessment
18 requirements and limitations. In addition to
19 addressing the individual parameter RPA
20 requirements, the narrative water quality standard
21 for conductivity and total dissolved solids is met
22 via the combination of all these identified permit
23 requirements, consistent with 40 CFR 122.44. In
24 addition, the instream biological assessment
25 requirements are designed to address the site

1 specific nature of the receiving stream, as
2 specified in the narrative water quality standards
3 cited in 401 KAR 10.031, Section 4(1)(f).

4 In light of these facts, we respectfully
5 request that EPA withdraw its permit objections.
6 We look forward to continuing to work with EPA in
7 our ongoing effort to bring resolution to these
8 issues in a timely manner. Thank you again for
9 the opportunity to provide these brief comments,
10 and we will be providing additional written
11 comments on these EPA permit objections before the
12 close of the comment period. Thank you.

13 (Applause)

14 MS. MacPHERSON: Okay. Thank you. Now it is
15 time for our public comment period. And we have
16 our first speakers coming up. The way it is going
17 to work, and we have some seasoned speakers that
18 they can lead us through this, each speaker will
19 have two minutes. I will ask you to first say
20 your speaker number, then your name, spell your
21 name, please, so we can get it correct in the
22 transcript, your organization that you are
23 representing, if any. And if you are referencing
24 any specific permits, please state that as well.
25 Then we will start the timer, which is up there

1 now. And you will see you have got two minutes.
2 At the end of the two minutes, I do ask that you
3 conclude your comments. If you haven't finished,
4 we ask that you submit the remainder in writing,
5 as many people have brought statements with them.
6 The microphones will slowly go softer, so it won't
7 be your imagination. And then we will turn to the
8 next speaker.

9 So with that, I would like to open it up and
10 start with speaker number 1.

11 SPEAKER NO. 1: Thank you. I am speaker
12 number 1. And I am Donna McClure, "M," as in
13 "mining," c-C-l-u-r-e. And, unfortunately,
14 Congress is in session this week and Senator
15 McConnell could not be here. So I am reading a
16 statement from the United States Senate Republican
17 Leader, Mitch McConnell.

18 "Like most of the country, Kentucky is
19 suffering from very difficult economic times. Far
20 too many Kentuckians are unemployed and the
21 prospect for future employment remains daunting.
22 It is especially irritating this Administration
23 has blindly followed policies eliminating jobs in
24 our communities. The people of Kentucky are
25 amongst the hardest working people on earth. But

1 how can we be expected to compete if our own
2 government is working against us. Simply put, my
3 constituents are under siege from the Obama
4 Administration's regulatory agenda, and EPA is the
5 worst offender.

6 These 36 objections are further proof of this
7 siege. Perhaps the clearest example of this
8 Administration's regulatory assault is its war on
9 coal. Since being sworn in, President Obama's EPA
10 has set out to circumvent the will of Congress and
11 the American people by turning the already
12 cumbersome mine permitting process into a backdoor
13 means of shutting down coal mines. 18,000
14 Kentuckians work in coal mining. And nearly
15 200,000 more, including farmers, realtors, and
16 transportation workers, rely on the coal industry.
17 Attacking an industry so important to Kentucky
18 will only succeed in putting people out of work,
19 impeding future job growth, and increasing energy
20 prices.

21 A former senior EPA official under the Obama
22 Administration recently summed up the regulatory
23 philosophy of the Agency with respect to those
24 working in the coal business with saying it wants
25 to crucify them. With this radical environmental

1 anti-coal agenda, it is no wonder the
2 Administration has failed to answer the American
3 people's call for greater domestic energy
4 production. The real world impact of their
5 fantasy world energy policy is people are losing
6 their jobs and energy prices continue to increase.

7 It is high time the Obama Administration stop
8 treating the Kentucky coal industry as being part
9 of the problem. Kentucky coal is the solution."

10 (Applause)

11 MS. MacPHERSON: Thank you. Thank you. Next
12 speaker, please.

13 PUBLIC SPEAKER: I'm back. My name is James
14 Milliman, M-i-l-l-i-m-a-n, State Director for
15 Senator Rand Paul. And Senator Paul cannot be
16 here tonight. Because I'll tell you what he is
17 doing, Ladies and Gentlemen, he is up in
18 Washington, DC as we speak fighting the EPA. And
19 he will continue. (Applause). He will continue
20 to fight the EPA until we achieve victory and keep
21 your jobs.

22 But the Senator has filed a list of questions
23 that he would respectfully request a written
24 response for. And we have filed them in the box,
25 so. But there is another question he wanted to

1 ask, but I can't ask it now because something else
2 came up. Today's June the 7th, and I just got a
3 White House blog from the White House. And here
4 is what it says, Ladies and Gentlemen, a White
5 House blog on the -- here it is, the White House.
6 Do you know what it says? What it is about?
7 Protecting jobs in the American wind industry.
8 The wind industry. And it goes on to talk about
9 what a great priority protecting jobs in the
10 American wind industry is. Not a word is
11 mentioned about coal. Not a word. And my
12 question to the EPA is: Why are you more
13 concerned about protecting jobs in a wind industry
14 with companies like Solyndra that rapes the
15 country, rapes the country of billions of dollars
16 for Obama donors, and you neglect and spit in the
17 face of these hard-working miners who for 250
18 years have provided energy to this country. Why?
19 Why do you choose wind over coal? Thank you.

20 (Applause)

21 SPEAKER NO. 3: I'm Danielle Smoot, speaker
22 number 3, with Congressman Hal Rogers' office.
23 Also here with me tonight is our new District
24 Director, Chris Girdler. He is also the 5th
25 District State Senator Elect.

1 Congressman Rogers would love to be with us
2 here tonight. But he is also in Washington,
3 continuing to fight this same fight on Capitol
4 Hill. Congressman Rogers has grave concern about
5 the Environmental Protection Agency's
6 strangling regulations on Appalachian coal. In
7 fact, earlier this year he told EPA Administrator
8 Lisa Jackson that the Agency's behavior is
9 contemptible.

10 Time and again, the EPA has tried to bypass
11 the Congress and weaken state authority. And they
12 make no secret of this Administration's intentions
13 to shutdown Kentucky coal. The permit process is
14 now so complex that our coal operators are jumping
15 through regulatory hoops trying to understand the
16 constant shift in standards and rules that don't
17 apply to everyone. What we do know, what has been
18 made very clear, is that only one 404 individual
19 permit has been approved for a new surface mining
20 operation in Kentucky in three and a half years.
21 And, folks, that is downright shameful.

22 Congressman Rogers has made it clear that
23 just because you are pro coal does not mean you
24 are against the environment. He is the co-founder
25 of the eastern Kentucky PRIDE organization that

1 has invested environmental education in every
2 school district in southern and eastern Kentucky,
3 inspired upwards of 33,000 volunteers to cleanup
4 our hillsides every April and remove nearly 30,000
5 straight pipes from dumping raw sewage into our
6 streams. In fact, some of PRIDE's most proud
7 sponsors and volunteers are coal operators and the
8 coal mining families that are with us here
9 tonight. Whether you have taken note or not, the
10 coal operators have made great strides in reducing
11 their environmental footprint. The EPA does have
12 a duty to protect the environment. No one here
13 tonight wants to eliminate environmental laws.
14 But we do expect them to be applied fairly and
15 consistently so our coal mining families can build
16 a business, start a family, or buy a home without
17 the fear of another pink slip because another
18 permit is on hold.

19 Congressman Rogers asks the EPA to overturn
20 its objections to these permits, set aside its
21 political agendas, and allow coal miners in
22 Kentucky to provide for their families. Thank you
23 very much.

24 MS. MacPHERSON: Thank you very much. Thank
25 you.

1 (Applause)

2 MS. MacPHERSON: Before the next speaker, let
3 me just check if anyone has come in that needs the
4 sign language interpretation services. If you
5 could raise your hand and stand up. Okay, I
6 didn't see anyone, so I think you can sit down.
7 Thank you very much.

8 Okay. Thank you. Speaker number and then
9 name.

10 SPEAKER NO. 4: Thank you. I'm speaker
11 number 4. My name is Greg Stumbo. I currently
12 serve as State Representative for the 95th
13 District, which is basically Floyd County, down
14 just a few miles south of here. And I'm currently
15 the Speaker of the House in Kentucky. I also had
16 the occasion to write the state's primacy law in
17 1980 in my first session in the General Assembly.
18 And I live on a reclaimed surface mine. And I
19 probably as a private attorney collected on behalf
20 of injured miners and their families more benefits
21 than anybody in this whole state. For 30 years,
22 that is who I represented.

23 So let me tell you my objection to what you
24 are doing here. When we enacted our primacy law,
25 it was because Congress wanted a national standard

1 for states that engaged in mining practices. And
2 for 30 years, that has worked. But now what you
3 want to do, it seems to me, is change the standard
4 just because you don't like a particular form of
5 mining. That is not your prerogative; that is the
6 prerogative for the Congress of the United States.

7 The federal Surface Mining Act was passed in
8 1977, the Clean Water Act in 1972. And the
9 legislative act that passes last takes precedent.
10 So what you have to look for is what was the
11 intent of Congress. We live in a democracy, not a
12 dictatorship. If you want to change the law, go
13 lobby Congress. If they change it, we'll obey it.
14 If the Kentucky legislature changes it, we'll obey
15 it. My problem is, that what you are doing is
16 striking down the intent of Congress to have a
17 uniform law for all the states just to penalize
18 us.

19 If you don't believe that mountaintop mining
20 has a positive effect, come see where I live.
21 There is a championship 18-hole public golf
22 course, little league ball field, soccer fields, a
23 riding stable, a residential community. We need
24 this land to lift ourselves up out of poverty.
25 (Applause). Because, unless you have noticed, our

1 topography won't let us develop in the valleys
2 because they are prone to flooding. If we are
3 ever going to get out of the cycle of poverty, we
4 have to utilize the tops of our mountains so that
5 the next generation of eastern Kentuckians look
6 down at the mountains and not up at them. Don't
7 take this tool from us. Thank you.

8 (Applause)

9 MS. MacPHERSON: Thank you. The next
10 speaker.

11 SPEAKER NO. 5: I'm speaker number 5. I'm
12 State Representative Rocky Adkins. I represent
13 part of eastern Kentucky. I have just finished my
14 25th year in the Kentucky House of
15 Representatives. I represent Elliott, Lawrence,
16 Boyd, and Rowan County. I also serve as the
17 majority leader in the Kentucky House of
18 Representatives.

19 I would like to start my comments, if justice
20 is defined as equal treatment under the law, then
21 what the EPA is doing with coal mining in our
22 region is the most shocking example of injustice I
23 have seen in this country in many years. I'm glad
24 you are here to get a direct look of the impact of
25 your rules and regulations. Thousands of jobs

1 have been lost directly and indirectly in the coal
2 industry and in the mining industry. Businesses
3 have been hurt and shutdown. These are real
4 people, not a statistic, people with families
5 trying to put food on the table, put a roof over
6 their heads, send their kids to school.

7 (Applause). Your rules and regulations with 404
8 permits, over 200 of them have laid with no
9 decisions, they have hurt our coal industry and
10 hurt our people. Your rules and regulations on
11 402 permits is hurting our industry and putting
12 our people out of work, destroying our economy.

13 Federal regulations that only impact six
14 states in central Appalachia and not the rest of
15 the country, you have targeted and attacked the
16 coal industry of our region, and I believe your
17 game plan is to put this industry out of business,
18 send our people home without a job, and destroy
19 our economy. I hope this is not true, but the
20 evidence from your actions would find you guilty
21 of every charge in every court throughout this
22 country. (Applause).

23 Kentucky is a primacy state, given the
24 authority over the last 30 years to review and
25 make decisions on granting mining permits. Our

1 professionals in Kentucky are professionals,
2 qualified, who have done a great job with the
3 responsibilities in this area. The Kentucky
4 Department of EPA, led by Secretary Len Peters and
5 Commissioner Bruce Scott, two highly respected and
6 highly dedicated people, have known they are known
7 nationally for their expertise. This is why
8 Kentucky filed suit against the federal EPA and
9 rightly so. You said that after 30 years of
10 primacy, after 30 years of providing the
11 experience in Kentucky, and then all of a sudden
12 we want to change the game. I'm here to tell you,
13 you do your job and let our people do theirs and
14 let them go back to work.

15 (Audience members stand. Applause.)

16 MS. MacPHERSON: Okay. Thank you. Thank
17 you. Next speaker, please.

18 SPEAKER NO. 6: I'm speaker number 6. I'm
19 Fitz, F-i-t-z, Steele. I'm State Representative
20 of the 84th District, and I proudly represent the
21 number two and three largest coal-producing
22 counties of this Commonwealth. I would like to
23 thank everyone tonight for coming to support
24 Kentucky's coal miners and my signature industry,
25 the coal industry.

1 As you know, Jim, I'm glad you have bottled
2 water tonight, your water you are drinking, if you
3 are drinking it, you are breaking the law. It is
4 against -- it is higher than the conductivity
5 level of what you have set on coal mining.

6 (Applause). I have fed my family for 20 some
7 years being a coal miner. I'll be -- I'm a coal
8 miner now, I'm a State Representative now, and a
9 self-businessman. And I'll be a coal miner until
10 the day I die.

11 We will not stop mining coal. We can't stop
12 mining coal. If this state stops mining coal, it
13 will take 24 percent of this nation's renewables
14 just to fuel what supply Kentucky needs to power
15 this Commonwealth. No way. No wind, no power.
16 No sun, no power. Coal will burn. We've got it.
17 (Applause). My people is not afraid of al-Qaeda.
18 They are not afraid of the air and the water they
19 drink. They're afraid of the Obama
20 Administration. They have targeted us for over
21 four years. And enough is enough. We won't
22 change. We're going to have change. We're going
23 to have change in November. I ask you, since
24 April 2010 not one, not one eastern Kentucky
25 permit has been issued. My brothers in the west

1 of Kentucky, their permits fly through your-all's
2 office. We don't get one. The same engineering,
3 the same equipment, the same everything.

4 Why are you discriminating against West
5 Virginia and Kentucky? Why? I ask you to look at
6 it, go back, release our permits. Let my people
7 go back to work. We don't want a handout. We're
8 not like other groups. We don't want a handout.
9 (Applause). We want to work and earn a living, a
10 good living, a fair living. (Applause).

11 And, also, I would like to invite you, as
12 being Vice Chair, I know my Chairman has invited
13 the EPA to hearings in Frankfort, you are welcome
14 anytime. And like you had done last year for your
15 private tours in eastern Kentucky, come let us
16 take you on a tour.

17 (Applause)

18 MS. MacPHERSON: Thank you. The next
19 speaker, please.

20 PUBLIC SPEAKER: Thank you. My name is Ray
21 Jones. I'm the State Senator for the 31st
22 District, Pike, Martin, and Johnson County. And
23 it is my privilege to represent the largest
24 coal-producing district of the 38 members of the
25 Kentucky Senate.

1 First of all, let me say that I am somewhat
2 glad that we're having the opportunity to address
3 the EPA. It has only taken 18 months since the
4 first request was put in for a public meeting.
5 You know, those of us who had the opportunity to
6 go to law school, there is something you learned
7 in the first year of law school, it is called due
8 process. And let me tell you something, the
9 process that the EPA went through in adopting the
10 conductivity standards violates the due process
11 rights of every man, woman, and child in Kentucky
12 and West Virginia.

13 Let me ask you, it is a basic fundamental
14 question: Why doesn't this same guidance apply to
15 Virginia? We have a tributary that runs into the
16 Fishtrap reservoir from Virginia. It doesn't
17 apply to Ohio or Pennsylvania. Why is that? But
18 yet we find ourselves in a position where we have
19 thousands of people out of work in eastern
20 Kentucky, in large part because of the actions of
21 the federal government.

22 These folks would like to be home with their
23 families tonight. A lot of these men and women
24 worked today. But yet they have to come here to
25 defend themselves against the United States

1 government and its bureaucracy. There is
2 something fundamentally wrong with that.

3 Now, let me tell you how much sense that this
4 regulation makes. The largest polluter of our
5 tributaries and streams throughout this country is
6 agriculture, herbicides, pesticides, fertilizer.
7 It is up in our streams and creeks through erosion
8 and runoff. What is next? Will the EPA stop our
9 farmers from growing food because of that? It is
10 no different, Ladies and Gentlemen. (Applause).
11 And it is fundamentally wrong.

12 This Administration and the EPA is out of
13 touch with the needs of the people of this state.
14 And it jeopardizes an economy of an entire region.
15 And one last thing. There is a federal prison on
16 a reclaimed strip mine in Martin County. Now,
17 that is how much sense that your policies make.

18 (Applause)

19 MS. MacPHERSON: Thank you. Next speaker,
20 please.

21 PUBLIC SPEAKER: Thank you. Yes. I'm State
22 Representative Leslie Combs. And along with
23 Senator Jones, we represent the largest
24 coal-producing county in this state. Now, I often
25 argue with Representative Steele, we argue over

1 who represents the second and third, but I say I
2 represent the number one, the number two, and the
3 number three largest coal-producing counties. So
4 you can imagine how I feel about this. You can
5 imagine the industry and the people that I
6 represent.

7 But first and foremost, folks, I want to
8 welcome you. I want to welcome you right here to
9 our -- I mean, you are right here. You are
10 sitting in our home precinct. And we want to
11 welcome you, because we are finally glad to have
12 you here. Now, I am going to tell you one of the
13 reasons why I am glad you are here. I get phone
14 calls every single day from my constituents who
15 tell me, "I'm losing my job. I'm losing my home.
16 I can't afford to feed my family." I'm running
17 out of things to tell these people. You all are
18 here. Give me some answers. What do I tell these
19 folks? (Applause). What do I tell them?

20 Because I am going to tell you something
21 about these wonderful people, they are great. All
22 they want to do is they want to go to work. But
23 let me tell you something they are being told.
24 They are being told that what they do is wrong.
25 They are being told that what they do is bad.

1 Well, I am going to tell you something about me,
2 and they are just like me. I don't believe, I
3 don't believe in doing things wrong. I do not
4 believe in being unethical, illegal, or doing
5 things wrong. And I'm going to tell you what,
6 these people know how to do it, they know how to
7 do it right, and I'll be the first one in line to
8 make them stay in line and do it right.

9 (Applause). By golly, give them -- don't take it
10 away. Talk about these 36 permits. I'm here
11 tonight on all 36. Because, I'll tell you, about
12 10 or 12 of them are right here in Pike County.

13 Ladies and Gentlemen, I can take you right
14 now, just like Speaker Stumbo referred to, just
15 like Representative Steele referred to, I can take
16 you to some property right now that is absolutely
17 unbelievable and it would knock your socks off.
18 It has got clean water. It is grazing cattle
19 right now. It is acting like farmland, and it is
20 acres and acres of property that are absolutely
21 beautiful. Thank you.

22 (Applause)

23 MS. MacPHERSON: Thank you. Before the next
24 speaker, if I could ask the next block of
25 speakers, 21 to 30, to go in the back of the room,

1 please, to get ready for speaking, to get your
2 briefing. Speakers 21 to 30. Thank you. Sorry.

3 SPEAKER NO. 9: I am speaker number 9. I'm
4 State Representative Hubert Collins,
5 Representative of Johnson, Martin, part of Pike,
6 and part of Floyd. I've been the House
7 Transportation Chair for 17 years, also the
8 ranking member on natural resources and education.

9 The influence of coal in these counties is of
10 great importance. Jobs from coal is allowing men
11 and women to support their families, put bread on
12 the table, clothes on their backs, and educate
13 their kids, and also to try to live a more
14 comfortable life. But this is in danger.

15 The EPA regulation not only affects the coal
16 industry, but it affects farming, development, and
17 road construction. We have come to realize there
18 is a war on coal. I, along with all of our miners
19 and all of our coal people, will fight this war as
20 long as it lasts. The economy is already bad.
21 But the continued old and new regulations makes it
22 devastating. With the rejection of the 36
23 permits, of which six of them are in one of the
24 counties that I represent, it will mean that the
25 families may have to go without food by losing

Can you, the EPA, with this dishonorable decision accept this action? Every man, woman, and child has the right to life, liberty, and pursuit of happiness. These irresponsible decisions will take this liberty away. We will not stand for these actions. It is unbelievable, and I would like to know the answer. Why is it that the water running from a mine site is more restricted than the bottled water and the tap water that we drink? This is wrong. This is wrong. Thank you all. May God bless.

(Applause)

SPEAKER NO. 10: I'm speaker number 10. My name is John Short. I'm State Representative of the 92nd District in the heart of coal country in eastern Kentucky.

I know that you have heard a lot about needing to study. Look at the permits and start releasing them. I'm going to tell you what is going to happen in eastern Kentucky if you don't release them. Our schools have already a low

1 attendance, but their population has been going
2 down over the last ten years. This means that
3 we'll have -- not have the money in our school
4 system to give our children the education that
5 they deserve. And if no permits are issued, our
6 population will go down even more. We have
7 already started bussing our young children for
8 longer periods of time, which they do not deserve,
9 because of consolidation of schools.

10 Every business in eastern Kentucky revolves
11 around coal. I have never worked in the mines,
12 but I started making a living from coal as soon as
13 I graduated from college. Our hospitals,
14 Wal-Marts, restaurants, I could go on and on about
15 all of the businesses that are built on
16 mountaintop development sites. We have thousands
17 of fine homes built on these sites.

18 I have a cousin, Tim Short. He gave
19 \$1.6 million for four acres of mountaintop
20 development to put a car dealership on. I have
21 several horses of my own and love going to central
22 Kentucky looking at the horse farms. But several
23 of these historic farms have been turned into
24 housing developments and shopping malls. To me,
25 these farms are a lot more valuable and beautiful

1 than mountains that are economically worth nothing
2 except for the coal that lies beneath them. I
3 don't come to Lexington with my coal mining
4 buddies and look like a bunch of idiots saying,
5 "Save the horse farms." No. I see this as
6 development of jobs so people can provide for
7 their families.

8 I own about 250 acres where I live, and it
9 has never been mined. But I wish I could talk
10 somebody into mining it. We also use mountaintop
11 development for grazing cattle and horses. And we
12 have the largest elk herd east of the Mississippi
13 that forages on these development sites. What
14 would happen if a group of legislators got
15 together here in Kentucky and passed a bill into
16 law that would require every stream in the state
17 of Kentucky to have to pass the same regulations
18 that you want us to abide by? I seriously doubt
19 that there would be a stream in Kentucky that
20 could pass it. What would the EPA do then if they
21 had to enforce the law like they are enforcing it
22 on us? It is also -- well ...

23 MS. MacPHERSON: Thank you.

24 SPEAKER NO. 10: Thank you.

25 (Applause)

1 MS. MacPHERSON: Thank you. Thank you very
2 much. Thank you. And if you do run out of time,
3 please submit those written comments up at the
4 registration table so we can make it part of the
5 record. Thank you. Next speaker, please.

6 SPEAKER NO. 13: I'm speaker number 13. I'm
7 Dr. Charles Hardin, Magoffin County Judge
8 Executive and a family physician in Salyersville,
9 Kentucky.

10 I would like for you to consider three things
11 when making this decision. Number one, poverty
12 breeds pollution. We already have enough problems
13 in eastern Kentucky (Applause) with providing for
14 pollution control things, such as clean water,
15 proper sewer. If you remove some of these jobs, I
16 as a county judge will not be able to deal with
17 some of the household waste and other pollution
18 things. Number two, when you raise the price of
19 electricity from somewhere from 11 to 25 percent,
20 there are going to be a lot of elderly people who
21 sure can't afford their medications then. I know
22 this is about health. But if you can't afford
23 your medications, you don't have much health
24 either. Please consider that. (Applause). The
25 third thing is, that I think that when I have

1 talked to most coal miners, they understand that
2 this is a future that is shrinking and
3 diminishing. But we need time. This does not
4 need to be done abruptly. We need to sit down
5 with the business leaders in the coal industry,
6 with the coal miners, with the EPA, with the
7 environmentalists, and let's get a program that
8 doesn't do this abruptly. Give us time so that
9 wind can be developed in Pike County. If you do
10 this quickly, if you shutdown the coal industry
11 quickly, when the energy prices go up, you will
12 have a backlash. And I will guarantee you, in 5
13 to 10 years you won't be able to control coal
14 mining, you won't be able to control pollution,
15 and we won't be in no mood to compromise. Thank
16 you.

17 (Applause)

18 MS. MacPHERSON: And I do want to say, I
19 really appreciate everyone adhering to the two
20 minutes to respect all of the speakers. Thank you
21 for that. Next speaker, please.

22 SPEAKER NO. 12: Judge Rupert, number 12,
23 County Judge Executive of Pike County, the largest
24 coal-producing county in Central Appalachia.

25 I am wondering why no Washington-based EPA is

1 here. I have got an idea of why they are not
2 here, why they sent you all out of Atlanta. You
3 know the video that they call an official in EPA
4 in Washington, what did they say? What did the
5 video say? "We're going to crucify the fossil
6 fuel industry." That's coal. (Applause). And
7 you started doing a doggone good job.

8 But I want to tell you all something. We're
9 going to have a crisis in this country that you
10 all are causing, you bureaucrats out of Atlanta
11 and those in Washington are causing, that is going
12 to be a crisis unheard of in America. This is a
13 shame. You talk about water, water, water. And
14 you all have put in place the most stringent regs
15 that you could put in place that can't be met by
16 this coal industry. Don't you realize that on the
17 conductivity of water, that what you are requiring
18 is beyond most of the public water systems in
19 America? Look at your numbers. Look at them.
20 There is no way. You put in regulations to stop
21 the coal mining in central Appalachia.

22 Not only that, you are going to ruin this
23 country. We've got a severe problem of security
24 in this country, of importing this oil. You don't
25 realize that 42 cents out of every dollar in

1 Washington is spent, spent for imported oil. An
2 opportunity. This Administration in Washington
3 cut the money off for research, cut the money off
4 for clean coal technology so that you can strangle
5 the coal industry of this country. We are not
6 going to stand of it. We are going to fight you
7 until the end. These coal miners are the heros;
8 they are not the villain. And thank God for coal.
9 And God Bless America.

10 (Applause)

11 MS. MacPHERSON: Thank you. Next speaker,
12 please.

13 SPEAKER NO. 15: I am speaker number 15. I'm
14 the Martin County Judge Executive, Kelly Callaham.
15 That is spelled C-a-l-l-a-h-a-m, as in "Mary."

16 I want to talk to you about fairness. In
17 2009, you guys renewed the 402 permits for
18 Kentucky. And then in April of 2010, EPA accepted
19 the changes that the State applied to the 402
20 permits and the State was able to issue 27
21 permits. Why are those standards no longer
22 acceptable?

23 In 2011, the EPA sent letters out to 55
24 permits. This was the same letter, 36 of them was
25 deemed as objection letters and 19 of them as

1 comment letters. How can it be the same? It was
2 the exact same letter.

3 On July the 21st of 2011, EPA implementation
4 of the final guidance to eastern Kentucky and
5 West Virginia. Other states in the same
6 ecosystem, Pennsylvania, Ohio, Virginia, and
7 Tennessee, had no such limitations. How is our
8 water different?

9 You know, when I first come in here, I met a
10 good friend of mine that, that when he was growing
11 up, he lived by the Tug Fork, and as many of you
12 all in this room know, the Tug Fork is --
13 separates Kentucky and West Virginia. And I was
14 proceeding to tell him that a friend of mine had
15 caught a whole bunch of smallmouth bass in -- in a
16 place. And I said, "Where did you catch those?"
17 And he said, "You are not going to believe this,
18 but I caught them in the Tug River." Now, you are
19 talking about a river back when my friend was
20 swimming in it 30 years ago you would be black
21 when you would come out. So, you know, you all
22 have done a great job, but it is time to get off
23 our back. I mean, our streams are good. And --
24 and I don't understand the fairness.

25 When your-all's director, Lisa Jackson, has

1 to slip into Kentucky and have meetings in
2 secretive places with a bunch of tree-huggers, a
3 people that wouldn't work in a pie factory tasting
4 them (Applause), she -- she is not hearing -- she
5 is not hearing both sides of the story. So I just
6 want to ask you guys, the EPA and the President,
7 to get off our back and let our coal miners work.
8 Thank you.

9 (Applause)

10 MS. MacPHERSON: Thank you. Thank you.
11 Next.

12 SPEAKER NO. 14: Thank you. Thank you for
13 coming. I'm speaker number 14. My name is Randy
14 Thompson. That's T-h-o-m-p-s-o-n. I'm the County
15 Judge Executive of Knott County.

16 I just want to say, our local governments
17 depend greatly on the tax revenue from coal and we
18 simply cannot afford to provide the services our
19 people expect and deserve without this revenue.
20 Plus, our entire eastern Kentucky economic base is
21 totally dependent on the jobs provided by the coal
22 industry.

23 Now, I thought I heard one of the speakers
24 from one of the environmental groups earlier today
25 say, "These hearings weren't supposed to be about

1 jobs." And I thought to myself, to hell they
2 ain't. You tell several hundred eastern Kentucky
3 (Applause) coal miners they are going to lose
4 their jobs because of something you created called
5 conductivity, you damn well better be prepared to
6 hear from them. These laid off workers are now
7 trying to buy their groceries, gasoline, pay their
8 medical expenses, mortgages, car payments and more
9 with unemployment benefits that don't come close
10 to allowing them to make their ends meet.

11 And from some of the comments I heard Tuesday
12 in Frankfort, I got the impression some of you are
13 more concerned with aquatic life than you are
14 human life. (Applause). You say denying these
15 permits is based on science. Well, even if it is
16 science, shouldn't that science be seasoned with
17 just a little bit of common sense? I mean, based
18 on your reasoning I need to start arresting kids
19 that are peeing in my public pool.

20 Because of declining coal tax revenue since
21 2010, I've had to layoff nearly half of my county
22 government's workforce. You say permits are being
23 denied because the mining will pollute some
24 streams. I am not convinced that is the real
25 reason. Otherwise, you would be assisting us in

1 getting rid of the real pollution problem, of
2 failing septic tanks, straight pipes dumping raw
3 sewage into the streams. I don't know about you,
4 but I would 10 to 1 rather take a drink of water
5 from a running mine site than downstream of 100
6 straight pipes. (Applause).

7 If you are truly serious about preventing
8 pollution, issue these permits and encourage more
9 mining. Allow our local governments to use the
10 stream mitigation funds to pay for construction of
11 wastewater treatment plants along the streams. If
12 you are concerned about safe drinking water, issue
13 permits, encourage more mining so the local
14 governments can receive more tax revenue, build
15 more and better water treatment facilities.

16 During the past seven years in Knott County,
17 I have invested \$25 million of coal severance tax
18 revenue to provide water to Knott County families,
19 water that is cleaner and safer than these
20 families would have ever expected to receive had
21 it not been for coal tax dollars. Put my people
22 back to work.

23 (Audience members stand. Applause.)

24 MS. MacPHERSON: Okay. Thank you. Next
25 speaker, please.

1 SPEAKER NO. 17: Harlan County Judge
2 Executive, Joe Grieshop, G-r-i-e-s-h-o-p. I am
3 speaker number 17.

4 The war on poverty in Appalachia was declared
5 in the 1960s with President John F. Kennedy and
6 Lyndon Baines Johnson. Their heart went out to
7 our people and also to the coal industry. Much
8 thanks to our natural resource coal and the coal
9 industry, because they are, and the companies have
10 helped us make steady progress in upgrading our
11 quality of life. Together, we have created coal
12 jobs for our families. And we also were provided
13 coal severance dollars for our projects. These
14 projects would not have been funded but for the
15 coal industry generating those tax dollars from
16 the value of severed coal.

17 Now we are faced with a new war, a war which
18 will take away our opportunity for a better life.
19 Subjective decision making has occurred. And
20 because it has, it has created an economic crisis
21 for Harlan County and other counties in this
22 region. Why, I ask, does the EPA make decisions
23 based on conductivity testing that is not logical?

24 Coal companies have a good record of
25 stewardship of their permitted land. They have

1 taken the extraction process seriously. But they
2 cannot tolerate a moving set of rules. Our
3 mountain streams and rivers are cleaner today than
4 they have been in years past. Ask the thriving
5 wildlife, ask the fish. If they could speak they
6 would tell you they love where they live right
7 now.

8 Coal has been our economic engine for the
9 region, and coal plays a major role in America's
10 growth. And I ask you to give our families a
11 break, come to the table, discuss the issues, and
12 work through the process. Thank you.

13 (Applause)

14 MS. MacPHERSON: Okay. Next speaker, please.

15 PUBLIC SPEAKER: My name is -- is it on?

16 MS. MacPHERSON: It will come up. Keep --
17 keep talking. It will adjust. Go ahead.

18 PUBLIC SPEAKER: (Indicating).

19 MS. MacPHERSON: Yes, it is on.

20 PUBLIC SPEAKER: Yes. My name is R.D. "Doc"
21 Marshall, M-a-r-s-h-a-l-l, Floyd County Judge
22 Executive.

23 I come here tonight with mixed feelings,
24 feelings that go back a long way. We all come
25 from communities that we know were founded, were

1 built, were promoted with coal. I happen to have
2 one in my county that prospered and was noted
3 across the United States of America in the 40s,
4 50s, and 60s by the name of Wheelwright, Kentucky.
5 It was a community that had everything, but they
6 had it because of coal. Coal made it possible.
7 Other communities followed. Twenty years ago,
8 20 years ago, there were 153 mines actively mining
9 coal in Floyd County, Kentucky. Today, I have
10 five, five mines that are struggling big-time.
11 And if the EPA has anything to do, those five will
12 disappear before this year is over.

13 We need answers. We need plenty of them.
14 Why are we here? We're here simply because of
15 three, the big three. Not what Washington
16 considers the big three. But we're here for jobs,
17 we're here for families, and we're here for
18 communities. And, by golly, I will come back. I
19 was here three years ago. If it takes three more
20 years, I'll be here again and voice my support.
21 I'll always stand up for our people in coal. I
22 believe they are the backbone of this country.
23 And when those lights grow dim, brother, they are
24 going to find out right quick. (Applause). Let
25 us stand together. We've got a great motto in the

1 Commonwealth of Kentucky, United We Stand.

2 (Applause)

3 MS. MacPHERSON: Okay. Thank you. Next
4 speaker, please.

5 SPEAKER NO. 21: I'm speaker 21, Andy Willis,
6 A-n-d-y W-i-l-l-i-s.

7 I'm going to begin by quoting from the United
8 States Constitution. The Tenth Amendment states,
9 "The power is not delegated to the United States
10 by the Constitution, nor prohibited by it to the
11 States, are reserved to the States respectively,
12 or to the people." And William Douglas, the
13 longest-serving U.S. Supreme Court Justice, said,
14 "The Constitution is not neutral. It was designed
15 to take the government off the backs of people."
16 (Applause).

17 Congress took it upon itself to establish the
18 U.S. EPA to enforce the laws of the Clean Water
19 Act and the Clean Air Act. The U.S. EPA has since
20 overstepped its bounds by passing regulations
21 which are not in the best interests of the states
22 or their people.

23 Now I want to quote from a great American,
24 Thomas Jefferson. He said, "The policy of the
25 American government is to leave their citizens

1 free, neither restraining nor aiding them in their
2 pursuits." He also said, "We were directed from
3 Washington when to sow and when to reap, we should
4 soon want bread." He also said, "Most bad
5 government has grown out of too much government."
6 And, finally, "I predict future happiness for
7 Americans if they can prevent the government from
8 wasting the labors of the people under the
9 pretense of taking care of them."

10 Now, I know there are some people in this
11 crowd who would probably love the idea of the
12 government taking care of them. But as for me, I
13 hereby request that the U.S. EPA stop trying to
14 take care of me by outlawing the mining and use of
15 coal. Thank you.

16 (Applause)

17 SPEAKER NO. 22: I'm speaker 22, Eric Chance,
18 C-h-a-n-c-e, with Appalachian Voices. Thank you
19 for the opportunity to speak here today.

20 I believe that the EPA should reaffirm their
21 objections to these 36 inadequate permits. The
22 State has failed to do an adequate reasonable
23 potential analysis and has failed to include
24 permit limits adequate to protect water quality.
25 The EPA is not the one holding up these permits.

1 They are simply trying to bring up the quality of
2 permits issued in Kentucky to the standard of
3 other states like West Virginia. The party truly
4 responsible for holding these permits up is the
5 Kentucky Energy and Environment Cabinet, because
6 they are not capable of writing a permit that
7 would require companies to mine responsibly and do
8 it without ruining water quality. The Cabinet is
9 so starved for funding and beholden to the coal
10 industry that they are incapable of regulating it.

11 In addition to their inability to issue
12 adequate permits, they have proven their inability
13 to regulate coal by setting inadequate bond
14 amounts, failing to list streams in the coal
15 fields on the 303(d) list of impaired streams,
16 allowing more mines to be covered under the
17 general permit than there should be, failing to
18 develop TMDLs for the streams actually listed as
19 impaired, not reviewing discharge monitoring
20 reports, failing to do enforcement actions on
21 water quality problems they have identified,
22 failing to ensure water quality and other data
23 submitted by the companies is actually true,
24 failing to even know the most basic information
25 like the number and location of all the facilities

1 they are supposed to be regulating.

2 Finally, the permits at issue here represent
3 a small percent of the mining permits issued by
4 the State, because more than 2,000 mines are
5 covered under the general permit, which is not at
6 issue. As active mines across the state are
7 idled, approval of these permits would not create
8 jobs because natural gas is cheaper than coal.

9 (Audience members respond)

10 MS. MacPHERSON: I would ask everyone to
11 please show the same courtesy to all the speakers
12 that are speaking here tonight. Please. We are
13 not going to start. Thank you. Next speaker,
14 please.

15 SPEAKER NO. 23: My name is Pallavi Podapati,
16 P-o-d-a-p-a-t-i, and I'm the 23rd speaker. I'm a
17 concerned citizen from Hazard, Kentucky.

18 I've lived in Hazard, Kentucky since I was
19 three years old. I'm 21 now. And I don't want to
20 call anywhere else home. Of course, I feel a
21 natural desire to protect the place where my
22 family and loved ones live. However, I find that
23 laws and regulations meant to protect the health
24 and safety of my community aren't being enforced
25 or are under attack. And corporations with no

1 ethical ties or obligations to uphold the
2 well-being of my community are given enough leeway
3 to do anything to increase their profit margins.

4 So I feel compelled to speak here and draw
5 attention to the fact that these permits denied by
6 the EPA are indicative of the regard. Or, to
7 speak quite truthfully, the complete disregard of
8 these companies towards my community, my family,
9 and myself. It is unacceptable that Kentucky's
10 DOW accepted permits that had insufficient data to
11 establish reasonable potential analyses. I find
12 it necessary to state that there is a reason these
13 permits were denied. Current permits in Kentucky
14 are inadequate and aren't even being enforced by
15 the State.

16 (Audience members respond)

17 MS. MacPHERSON: The next speaker, please.

18 PUBLIC SPEAKER: My name is Haven King,
19 H-a-v-e-n K-i-n-g. I'm the County Clerk for Perry
20 County, Hazard, Kentucky. I'm also the President
21 of Coal Mining Our Future.

22 Now, I've often wondered and thought about
23 what the EPA executive in Texas, when he said
24 that, you know, "the way that we got their
25 attention is when we would come into a

1 Mediterranean town and Turkish people and the
2 first five men we would come to we would crucify
3 them." So the way -- I don't think you all would
4 do that. But that's one way. He said, "That town
5 was easy to handle after that." So what you all
6 have done, you have took the thing with
7 conductivity. One lady, named Madeline O'Hare,
8 took prayer out of school in this country. One
9 lady, named Lisa Jackson, is going to stop coal
10 mining if we don't stop her. (Applause). Her
11 name is Lisa Jackson, and she is totally against
12 our people.

13 And the EPA, you like your conductivity.
14 Don't take my word for it. When you go back, when
15 you all go back, the drinking water that you
16 drink, go ahead and do the conductivity on it and
17 see what it is. The EPA wants the permits that we
18 do at 300. My drinking water in Hazard, Kentucky,
19 at Chavies, where I live, is 725 coming out of the
20 Hazard district. Now, I guess that's crucifixion.
21 I mean, you are really trying to -- poverty you
22 are going to see when our people can't -- have to
23 choose between power, they have to choose between
24 medicine and food. Now, you're going to see what
25 poverty is when you see people go hungry and when

1 you see people losing their jobs. There's
2 hundreds and hundreds. We've actually lost 1,500
3 jobs in our two counties in the last three months.
4 Those jobs, sixty to \$65,000 per year. We're
5 losing those, and it is because -- now, when
6 people die because they can't provide for their
7 family, they are going to get rowdy and they are
8 going to get rough. But whenever they die, I want
9 you to think about that when you make these
10 decisions, because that is going to be on you
11 whenever that happens. Thank you.

12 (Applause)

13 MS. MacPHERSON: Thank you. Okay. Next.

14 SPEAKER NO. 26: I'm speaker number 26. My
15 name is Maxine Stanford.

16 (Audience members respond)

17 MS. MacPHERSON: Please be courteous. Thank
18 you. Go ahead again.

19 SPEAKER NO. 26: My name is Maxine Stanford.
20 And I'm concerned about all the jobs that we have
21 lost up in eastern Kentucky. Our coal miners have
22 lost jobs. And when the coal goes down, it also
23 affects their communities there, and they are
24 starting to lose jobs. Businesses are going to
25 start closing. And we have -- I'm a coal miner's

1 wife, and -- and I have brothers that work in the
2 coal industry. And that's our livelihood. I
3 mean, that's what we live on. That's what we make
4 a living here today. We need our jobs and we want
5 to do our jobs right. We want to have clean
6 water.

7 But if we can't -- we don't have clean water
8 when the streams, the straight pipes go in. And
9 we want to clean them up with coal severance
10 money. But if we haven't got that coal severance
11 money, we can't cleanup the streams. We can't
12 stop the sewage going into the streams. We can't
13 stop the runoffs of the agriculture, the
14 fertilizer, the insecticides, the salt off your
15 roads you treat your roads with. That raises
16 conductivity. And what do we do on it? Do we
17 leave the roads where we get killed every day?

18 But if you check it when -- conductivity in
19 your water when the salt is applied to the road,
20 the runoff, your road -- of the road, the water,
21 goes back to the streams, it affects your quality
22 of water. But yet, I mean, you know, our city
23 water, it's -- you know, it is better than what we
24 -- you know, our city water is not as good as the
25 water coming out of these mine waters. You want

1 it three to 500 to be acceptable, no more than
2 five. And we -- we -- most mines can't do it that
3 way. But we can drink our city water, and it is
4 700 and something. We can drink our bottled
5 water, you know, 500, 600, or 1,000, you know, but
6 it is acceptable.

7 So we need your help. We need help getting
8 our jobs back. Thank you.

9 (Applause)

10 MS. MacPHERSON: Thank you. Thank you.
11 Before the next speaker, I would like to send the
12 next group of speakers, numbered 31 to 50, if you
13 can go to the back of the room to the man holding
14 up the number 2. Thank you.

15 PUBLIC SPEAKER: My name is Cordis "Cuzz"
16 Bishop, C-o-r-d-i-s C-u-z-z B-i-s-h-o-p.

17 People of Appalachia are treated like anuses.
18 Normally I would say something else; okay?
19 Perhaps we need to put some thought into acting
20 the same way as the African-Americans did in the
21 60s in order to get their civil rights. I am from
22 that area and saw what they had to do to get their
23 civil rights. Maybe that is what we need to do.
24 Appalachian miners and their families are being
25 discriminated because you are taking away our jobs

1 and our civil rights. Our U.S. Constitution says
2 we have the right to work. You, the EPA, are
3 taking away these rights. Thank you.

4 (Applause)

5 MS. MacPHERSON: Thank you. Okay. And if I
6 can remind you to say your speaker number first,
7 that would help me out.

8 SPEAKER NO. 27: Twenty-seven.

9 MS. MacPHERSON: Thank you.

10 SPEAKER NO. 27: Hello. My name is Mark
11 Miller. I live in Prestonsburg, and I work here
12 in Pikeville for Whayne Supply Company. We're the
13 distributor for Caterpillar equipment and
14 construction machinery, provide parts and service
15 support to our coal customers.

16 I come today to represent our 160 employees
17 at the Pikeville branch, whose jobs depend on the
18 coal market, and to show support for the miners of
19 our region. We are full of concern and
20 uncertainty about our future because of the
21 regulatory ambush on the coal industry by the EPA.
22 Your changing of the permit requirements in
23 April of 2010 has effectively strangled our
24 industry. Why were only six states singled out or
25 targeted for conductivity? And then why was it

1 reduced to just Kentucky and West Virginia? Why
2 are your guidelines only for the coal industry?

3 As the rest of the world grows their
4 coal-generating electric capacity at a record
5 pace, the United States is hard at work shutting
6 down all of our coal plants, resulting in massive
7 layoffs, mine shutdowns, downsizes, and company
8 closures. I personally believe that God provided
9 us with an abundant supply of natural resources,
10 including coal, to power our nation's economic
11 engine.

12 We move mountains and we build roads, make
13 usable flatland for business development and
14 recreational areas. We use the same machinery and
15 the same earthmoving techniques to mine coal. We
16 do so responsibly and in compliance with mining
17 regulations written to ensure we reclaim all mines
18 to acceptable standards. We gather today on top
19 of a 14 million cubic yard fill of the original
20 Leviza Fork of the Big Sandy River. The
21 cut-through project enabled Pikeville to grow and
22 prosper.

23 Gentlemen, let us continue working. Issue
24 our permits. We strongly encourage you to
25 withdraw your objections. Thank you.

1 (Applause)

2 MS. MacPHERSON: Thank you. Okay. Next
3 speaker.

4 SPEAKER NO. 30: Good evening. I'm speaker
5 number 30. My name is Susan Kirkland. And I
6 don't guess I would have permission to have a
7 15 second power off; could we? To have the lights
8 turned off and let them feel what it is like to
9 have the power turned off. (Applause). And, by
10 the way, just to let Mr. Jim know, D.C. is also
11 powered by coal.

12 To continue on that, since I don't guess they
13 are going to turn the power off, coal -- coal jobs
14 are our jobs. They are energy. They are energy
15 for this country. Twenty-four percent of Kentucky
16 coal powers this country. But it is not just the
17 energy. It is the railroad jobs. It is the truck
18 driver jobs. It is the jobs that get our money
19 and our goods to our people. (Applause). And
20 when you start cutting coal, you cut business
21 expenses, you cut power, you cut everything. Our
22 expenses go up. You take these people's jobs, not
23 only are you taking their jobs but you are also
24 making it more expensive to live, more expensive
25 to buy food, because they have to pay for higher

1 power, higher power bills. Their home power bills
2 go up. Everything goes up when you cut coal.

3 And you think that it is an environmental
4 issue. They are doing everything they can to meet
5 and exceed EPA regulations. And it is like one of
6 the prior speakers said, not only do they meet the
7 regulations but now you're changing the rules. It
8 is not fair. And all it is, is an all-out war.
9 And these people's are claiming war on you guys
10 because they want their jobs, they want their
11 livelihoods, and they want their chance to raise
12 their families. And if you cut it, then you are
13 cutting half of the country. There is nothing
14 else I can say about it.

15 (Applause)

16 MS. MacPHERSON: Thank you. The next
17 speaker, please.

18 PUBLIC SPEAKER: Yes. My name is Charles
19 Baird. I am President, Chairman I should say, of
20 Coal Operators and Associates based in Pikeville,
21 Kentucky.

22 First I would like to thank all of the state
23 officials, particularly Secretary Peters and Bruce
24 Scott, and I thank all the folks that have
25 attended here, the public officials. I don't

1 think you have seen a single public official
2 oppose this. These are our elected
3 representatives. You had the Speaker of the House
4 here, you had the majority leader, you had the two
5 United States Senators, you had a Congressman, you
6 had the Magistrates, you had Judges. You will not
7 see that anywhere. And they all have the same
8 message. And I think we need to thank them for
9 being here. (Applause). I have already used up
10 half of my time there, but.

11 Secretary Peters used the word "arbitrary."
12 Really what the EPA has done is not arbitrary. It
13 is illegal. They have completely ignored the APA,
14 which is the Administrative Procedures Act that
15 deals with regulatory matters. No public comment.
16 It had immediately taken effect. No notice to
17 anybody. "Here it is, boys. You do it. If you
18 don't like it, you can kiss it."

19 Now, that is the Obama way of doing things.
20 And I am not blaming Region 4, by any means. But
21 their bosses are controlling the situation. And
22 it is basically the attitude, "Stop me if you can.
23 Until you stop me, I am going to do whatever it
24 takes to stop coal." And we're going to fight
25 back, and I know there is a hearing on that on

1 July 14th in Washington.

2 This has nothing whatsoever to do with the
3 environment. Let's face the facts. If they, EPA
4 and these folks back here, were concerned about
5 the environment, they would be looking at straight
6 pipes that are here by the tens of thousands. If
7 they were concerned about the environment in our
8 streams, pollution of our streams, they would be
9 looking at the millions of gallons of sewage that
10 is placed in the streams every week. And they
11 don't. Thank you.

12 (Applause)

13 SPEAKER NO. 32: I'm speaker number 32, Gary
14 Bentley. And before I get started, I just want
15 everybody that is here, we're all here for the
16 same reasons, to look around at the politicians
17 that were here earlier that have decided to leave
18 and don't want to stand around and listen to what
19 we have to say. Think about that around election
20 time. Look at the politicians -- there are some
21 that stayed, and I appreciate it. They are here
22 for us. Look at the ones that got up and left
23 after they spoke. That is where we need to be
24 looking.

25 But I am here today as a Kentucky coal miner,

1 a father, a concerned citizen. And I am here for
2 the same reasons as everybody. The people of
3 Appalachia are scared right now. We only have one
4 source of income, one industry, and that's coal.
5 Without that right now, Appalachia will not
6 survive. These communities will turn into small
7 ghost towns.

8 Since November, I've watched hundreds of my
9 coal workers, thousands of our local coal miners
10 lose their jobs. Now six, nine months later, a
11 year, these people are facing losing their homes.
12 They are struggling to support their families.
13 These people and these coal miners, we have been
14 let down by our politicians, by the coal
15 corporations we work for and the coal
16 organizations. If everybody would just work
17 together and try to make this work, we would all
18 still be working. Granted, these coal
19 corporations wouldn't make the billions of dollars
20 that they make every year. But us, we would still
21 have our jobs and be able to support our families.

22 The people of our communities and our coal
23 miners and our local coal officials, we need to
24 take action. We need to send a message to our
25 politicians and to these large companies, these

1 CEOs, and let them know that we are not going to
2 stop until they make this right, until we have our
3 jobs back. We need this industry to survive.

4 Look back at the community members and the
5 miners in the 1970s and the union wars. They took
6 pride in this area. They took pride in their
7 jobs. They stood up for what they believed in.
8 Let's send a message to these politicians, to
9 these CEOs, to the federal government, to the
10 state government. We will not back down. We will
11 fight for our communities. And, most importantly,
12 we're going to fight for our families and make
13 sure the coal industry stays around. Let's show
14 everybody the real faces of coal and what the
15 people of Appalachia stand for and what we can do.

16 (Applause)

17 MS. MacPHERSON: Okay. Next speaker, please.

18 SPEAKER NO. 31: My name is Rusty Rowe,
19 R-u-s-t-y R-o-w-e. And I'm speaker number 31.
20 I'm here tonight to represent JMP Coal Holdings
21 and the over 400 employees that depend on coal to
22 support their families that work with our
23 organization.

24 For 30 years, I have worked in the coal
25 industry. And just like a lot of you, the only

1 reason I get up in the morning and go out to work
2 is to provide food, clothing, and a place to live
3 for my family. But now our ability to provide for
4 our families is under attack. Many of the people
5 attacking us don't even live here.

6 Over the years, we have worked through many
7 changes in regulations, policies, and procedures.
8 But there is always a path that could have been
9 taken to lead to a mining permit. That has all
10 changed now. Under this Administration, the EPA
11 is choking us to death. They have become involved
12 in, basically, every environmental aspect of the
13 mining industry. They use delay tactics and won't
14 give us specific written comments so that we can
15 address deficiencies. Last summer one of our
16 mining permits was one of those 36 permits. It
17 was actually one of the 19 in September that was
18 objected to that the Kentucky Division of Water
19 approved. The federal EPA objected to it. They
20 used the same comments to object to all 19 of
21 those permits.

22 Earlier I told you why I get up every
23 morning, to provide for my family. Few things in
24 life get more personal than when someone, and that
25 someone is your government, is trying to take away

1 your livelihood, trying to take away your ability
2 to provide for your family, for the people you
3 love.

4 It has become clear to me that the
5 Administration and the EPA do not care about
6 miners and their families. My only hope at this
7 point is that come January we get a new President
8 and we get a new EPA. And that is our only hope.

9 (Applause)

10 MS. MacPHERSON: Thank you. The next
11 speaker.

12 PUBLIC SPEAKER: Ladies -- oh, wow. Ladies
13 and Gentlemen, my name is Jimmy Hall. And I want
14 to thank the miners. I want to thank the EPA.
15 You know, we all have got rules. They give me
16 this piece of paper. They told me I have got two
17 minutes to speak. Some of our high-dollar
18 politicians get up there and tell me about the
19 golf courses they have built here and there. They
20 overrun their two minutes.

21 I live in Letcher County, Kentucky. Okay?
22 And it is up there in Deane, around the Deane
23 area. And I don't see no golf courses. All I see
24 is what I had seen when I was a kid. The same old
25 buildings. The same dust. You know, why can't

1 you just do something right? Why can't you just
2 keep the money in Letcher County? Why can't you
3 take and give us water? Why can't you pay for
4 taps for these people? All we want is the water.
5 We don't give a heck about a golf course. What
6 are we asking for? I don't like repeating myself.
7 I hate to beg. I hate to thank everybody, shake
8 their hand. And I know we are not doing nothing.
9 Because the only thing they care about is who is
10 going to get elected. I don't care if a
11 Republican gets elected. I don't care if a
12 Democrat gets elected.

13 We need water. My neighbor has got two
14 babies that can't even take a bath come September
15 when they go back to school. It ain't time yet.
16 I've got 27 minutes. The next time I speak, I
17 know what I have got to do, go to every one of
18 these meetings that I can find until somebody
19 listens to me. Why can't you do what is right?
20 Follow the rules. Follow the rules. If they tell
21 you two minutes, take your two minutes and go home
22 or go back and sit down. (Audience members
23 respond). No, I'll go home. I'm coming home.
24 This is my home. I was born and raised here.
25 Thank you.

1 (Audience members respond)

2 MS. MacPHERSON: Thank you. Everyone ...

3 (Audience members respond)

4 SPEAKER NO. 33: I'm number 33.

5 MS. MacPHERSON: No, no. Please wait. Yeah.

6 No. Excuse me. Everyone is entitled to make
7 their comments. Please show the same courtesy to
8 everyone. Thank you. Everyone, we want to try to
9 hear from as many people as possible tonight.

10 SPEAKER NO. 33: I'm number 33. My name is
11 David Moss, spelled M-o-s-s. And I'm the
12 Vice President of the Kentucky Coal Association.

13 I am here tonight voicing my opposition to
14 the EPA's objections to 36 mining permits here in
15 Kentucky. I find it appalling the EPA has
16 continued to try to curb coal mining production
17 here in eastern Kentucky using political science
18 versus sound science. The EPA originally stated
19 in their interim guidance regulations that they
20 would limit coal companies to a benchmark of 500
21 microsiemens in regards to conductivity, which
22 would affect six Appalachian coal states, Kentucky
23 being included. This was issued on April 1st of
24 2010.

25 After much consideration, the EPA decided

1 that their final guidance document should only be
2 issued to two Appalachian coal states, shockingly
3 West Virginia and Kentucky. Let us analyze why
4 the White House and the EPA decided to make this
5 decision. The final guidance on conductivity for
6 the Appalachian coal basin removed Virginia, Ohio,
7 and Pennsylvania from the original interim
8 guidance documents. Why leave off all three
9 significant coal mining states if these new
10 guidelines are intended to protect clean water?

11 The EPA realized that these three states are
12 key important battleground states in the upcoming
13 presidential election this November. Could the
14 EPA have been instructed to not harm the
15 re-election of President Obama? I think you
16 should ask the 42 percent uncommitted in the room
17 here tonight.

18 Coal mining creates opportunities for over
19 70,000 folks here in the Commonwealth. I think it
20 is important to understand that every region of
21 the state is interdependent on one another.
22 Because of coal mining here in eastern Kentucky,
23 especially here in Pike County, cheap electricity
24 is produced and Louisville and Lexington prosper.
25 Because of the coal mining in eastern Kentucky,

1 mining machinery companies, like Whayne Supply,
2 Brandeis, and Bryan Equipment, all companies based
3 in Louisville, are able to employ thousands around
4 the state.

5 So why are we shocked this has come to be?
6 President Obama in every year of his presidency
7 has tried to ratchet back fossil fuel energy
8 production here in the United States. Oil and
9 natural gas, especially coal, have all had targets
10 on our backs since day one. So speaking tonight
11 in Pikeville is another hurdle I am willing to
12 jump through to get the President's attention that
13 coal matters in the United States. God Bless
14 America. And burn coal.

15 (Applause)

16 SPEAKER NO. 36: Madam Speaker, I'm number
17 36. My name is Rocky Hudson, H-u-d-s-o-n. I want
18 to thank you so much for coming to our beautiful
19 land. I wish that I had been able to feed you
20 before you came to this assembly. By the time I
21 get through talking, I think you are going to be
22 able to feel the love. I'm a real love machine.

23 I'm 78 years old. And I represent the
24 Hazard, Perry County senior citizens. Without our
25 coal miners, we would not have the quality of life

1 that we have. For the past 40 years, the coal
2 miners in Perry County, Knott County, Leslie
3 County, Letcher County, Breathitt County, they
4 have supplied us with the quality of life that we
5 would have never had before. And I'm so glad that
6 the EPA was able to come to this beautiful land
7 today. I thank God for the beautiful sunshine
8 that he provided. You were able to see these
9 mountains that we love so much. You have been
10 experiencing a little piece of paradise today.
11 For 78 years, I've lived in this wonderful land.
12 I brought a 92-year-old senior citizen with me.
13 And she said for me to tell you that she is not a
14 senior citizen, she is a recycled teenager.
15 (Applause).

16 As Moses said to Pharaoh, when Moses said to
17 Pharaoh, "Let my people go," I'm going to ask the
18 EPA to let our people go back to work.
19 (Applause). In a little town like Hazard,
20 Kentucky, we have a hospital that was made on
21 reclaimed mountaintop removal. Without this
22 hospital, I would not have been able to reach my
23 78th year of birth. I was rushed to this hospital
24 in the emergency room, and they saved my life.
25 Thank you.

1 (Applause)

2 MS. MacPHERSON: The next speaker, please.

3 SPEAKER NO. 36: Hello?

4 MS. MacPHERSON: Hello.

5 SPEAKER NO. 36: My name is Alex Desha,
6 speaker number 36. I am a Sierra Club member.
7 But tonight I speak to you as a proud Kentuckian.

8 My grandfather was a deep miner in Pike
9 County. And I want a future here for my family
10 and myself. I have a vision of a future where
11 people are valued over profits, where our water is
12 safe to drink, and where I won't fear to let
13 children play in the creeks that I enjoy so much.
14 And I want an economy that is as diverse and as
15 rich as the people of eastern Kentucky. I want to
16 live in a place where our future is valued as much
17 as our proud past.

18 In order for this to happen, we need
19 leadership that is willing to protect our most
20 valuable resource in eastern Kentucky, the people.
21 The Kentucky Department of Water should stand up
22 and protect the people of eastern Kentucky by
23 complying with and enforcing the Clean Water Act,
24 a law designed to protect people. Coal companies
25 should be good stewards of the land and the people

1 whose jobs they are responsible for. They can
2 provide good jobs and be good stewards by mining
3 in a responsible manner and investing in proper
4 reclamation of the land. They should be doing
5 this instead of fighting the EPA, the agency
6 charged with protecting the land and the people.
7 We shouldn't be forced to choose between jobs and
8 healthy communities. We shouldn't have to choose
9 between clean water and feeding our families. Few
10 other areas have had to make that choice. It is
11 not the people's fault. Our state leadership is
12 failing us. What they are being asked to do,
13 which is to ensure we have sufficient clean water
14 protections for healthy communities, is not hard
15 or unobtainable. We're proud of our past here in
16 Kentucky, and let's be proud of our future. I
17 call on our state leaders, and that is our
18 politicians and our coal companies alike, to stop
19 bickering and to get to work. Clean water
20 benefits protect -- clean water benefits everyone.
21 Thank you.

22 (Audience members respond)

23 MS. MacPHERSON: Thank you. Thank you.

24 SPEAKER NO. 38: Jared Arnett, President and
25 CEO of the Southeast Kentucky Chamber of Commerce,

1 speaker number 38.

2 I speak on behalf of over 500 businesses in
3 eastern Kentucky and eight counties and nearly
4 25,000 employees that rely every day on this
5 industry. They are all asking me one question,
6 and that is: At what cost? As business people we
7 make decisions looking at a benefit and a cost.
8 And the only benefit we are hearing from you is
9 that we are going to have clean drinking water and
10 fish will have a safe environment and that we will
11 have clean water to swim in. Well, I don't think
12 that is quantifiable. I think it is an emotional
13 benefit. But what we can quantify is the cost.
14 What we can look at is in the most recent 19
15 objections to these permits, we've lost the
16 potential of \$128 million in revenue for our state
17 government. We've lost the potential for 3,800
18 jobs. And these are good paying jobs that feed
19 our families and feed economic activity into
20 eastern Kentucky.

21 I am not an advocate for unhealthy drinking
22 water or for reckless damage to the environment.
23 But I am an advocate for the benefits derived from
24 mountaintop development sites. I'm an advocate
25 for businesses and our people. I believe our coal

1 companies are mining more responsibly than they
2 ever have before.

3 When I look around, there's more benefits
4 than just the direct benefits. Where are our most
5 beautiful housing developments? Above the flood
6 plain on mountaintop development sites. Where is
7 our airport that our community and our Chamber is
8 working so hard to provide commercial air service
9 for that will be funded by coal severance dollars?
10 On a reclaimed mountaintop development site.
11 Where is the most conducive habitat for our
12 growing elk population of the tourism industry?
13 On a reclaimed mountaintop development site. Our
14 spec buildings and industrial parks used to
15 recruit new industry? On mountaintop development
16 sites.

17 At some point many years from now we will be
18 ready for this shift. But to do it now will prove
19 disastrous for our people. Our small businesses
20 will close their doors. My question is to ask:
21 At what cost?

22 (Applause)

23 MS. MacPHERSON: Thank you. Okay. Before
24 the next speaker -- stay up -- you can stay up
25 there.

1 I just want to call the next group, numbers
2 60 to 80, if you could please go in the back and
3 meet with our staff. Also, if there is anyone who
4 would like to make a comment tonight who was not
5 registered, please do so now at the registration
6 table to get a number. Okay. Thank you.

7 PUBLIC SPEAKER: Thank you. My name is David
8 Wilder, D-a-v-i-d W-i-l-d-e-r. And I'm a
9 concerned citizen from Paintsville, Kentucky.

10 And I would like to say that as coal miners,
11 we care about the mountains. We care about the
12 streams. We also care about development. If you
13 will look at these beautiful mountains out here,
14 they are beautiful to look at. You can't build on
15 them. You can't do anything with them. We as
16 individuals here, we deserve the right to be able
17 to develop our mountains and develop our
18 properties. We also deserve freedom. Property
19 owners should be treated fairly and be able to do
20 with their property as they see fit. We also want
21 the EPA to treat everyone fairly and consistently.

22 I can stand up here and talk, but I don't
23 think I can say anything that hasn't already been
24 said much more eloquently by the -- some of the
25 political people up here. But I am here as a

1 concerned citizen. And I want the EPA to realize
2 that we need to be treated equally and fairly, as
3 all the other states are.

4 The EPA should also realize that they need to
5 follow the procedures. If they want to change
6 some regulations, there are procedures that they
7 need to go through, the comment period and some of
8 the other things that they have to follow that
9 they are not following at all. They are just
10 feeding us exactly what they want.

11 And another concern I have is where are they
12 getting these numbers that they come up with? You
13 know, these aren't anything that we're allowed to
14 see anyplace. That's -- that's no way, to just
15 pull numbers out and feed them to us. And I could
16 tell you what you have done here, by what you are
17 pushing on us right here right now, you have woken
18 a sleeping giant.

19 The coal miners in Kentucky and West Virginia
20 will band together. And I will guarantee you, you
21 will hear from us in November. The EPA is just a
22 puppet for President Obama. But we're going to
23 show you what for come November.

24 (Applause)

25 PUBLIC SPEAKER: My name is Chris, C-h-r-i-s,

1 Haverly, H-a-v-e-r-l-y. I own C & C Mining,
2 active permit number 8488078. I had a prepared
3 statement, but after hearing some of the comments
4 made I know I couldn't get it in with two minutes,
5 so I'm just going to fire from the hip here and
6 say what I think.

7 There's nothing worse than someone coming up
8 here and misinforming people about comments.
9 Everyone has a right to their opinion, the right
10 to state anything they want. But to say that the
11 mining industry is not regulated or the permitting
12 department doesn't do an adequate job is
13 ridiculous. I can assure you I -- I do what most
14 people wouldn't even consider mining. I reclaim
15 gob piles. And it took me over a year to get a
16 permit to reclaim a gob pile, which was actually
17 cleaning up a mess that had been there since 1940
18 and cost me \$100,000 in engineering fees. I put
19 up a \$65,000 cash bond for a 13 acre site for it
20 to be hydroseeded and reclaimed when I am
21 finished.

22 So for these people, for whatever reason they
23 want to come up and say that the mining industry
24 gets away with this and that, you don't get away
25 with anything in the mining industry. My

1 grandfather was a miner. My father was a miner.
2 My family has over 100 years in the coal industry.
3 My dad worked 47 years in the UMWA and never had a
4 lost time accident. He died at 82 a happy man
5 because he knew he got up and went to work every
6 day and he earned everything he got. And that is
7 all every person in this building wants, is a
8 chance to go to work. (Applause).

9 I have no animosity towards you people. I
10 have no animosity towards the EPA. Because I know
11 they are people that abused the privileges and
12 rights to whatever they do. But I can guarantee
13 you, the mining industry is the most regulated
14 industry in this country, making it the most
15 regulated industry in the world. I was fined
16 1,600 bucks for a coal truck tracking dirt out on
17 the highway. I was fined 900 bucks for a loader
18 having a taillight broken out. My problem. My
19 issue. I paid it. But don't keep people from
20 doing things that I know is to raise their
21 families and to feed their families. We deserve
22 the right to work. Thank you.

23 (Applause)

24 SPEAKER NO. 39: Hello. I'm speaker number
25 39. My name is Dennis Hatfield. That's

1 D-e-n-n-i-s. And I think they know how to spell
2 Hatfield.

3 I live in Louisa, Kentucky, and I'm a third
4 generation coal miner, and I am a concerned
5 citizen who supports the mining of coal here.
6 Because I live and work here, I know how important
7 these coal jobs are. I know because my family and
8 I are every bit citizens as much as those who
9 oppose mining. It is not about citizens versus
10 the coal industry. We know what it takes to
11 survive. We happen to be citizens who support
12 coal. We're proud to be part of it. And this is
13 not a debate about wanting to have clean water in
14 a living environment, because we all live here and
15 want that too. But I also know that poverty can
16 do far more damage than our regulated coal mining
17 environment can. You cannot regulate poverty.
18 You cannot diminish its impacts. Without coal
19 mining, most of our local tax base will disappear.
20 We would lose the severance taxes that help our
21 counties pay their bills. Our quality of life
22 would change. We wouldn't have the police and
23 fire protection, the water extensions, the things
24 that give us a standard of living. We would lose
25 those comforts that are here only because the coal

1 company economy supports them. I drive on
2 Route 23 every day. And I know that jobs depend
3 on coal mining here.

4 I respect the rights of others to disagree.
5 But this is more than just a battle about
6 mountaintop mining. This is about all coal
7 mining. These regulations will stop underground
8 and prep plants and everything in every aspect of
9 coal. No one really objects to being held to a
10 reasonable standard. We understand and we want to
11 abide by the laws. But you can't shutdown a coal
12 industry.

13 By the way, my day job is General Manager of
14 CAM Mining, with 400 employees and 400 families.
15 And I speak for them as well. Thank you.

16 MS. MacPHERSON: Thank you.

17 (Applause)

18 MS. MacPHERSON: Thank you. Okay. We are
19 over here.

20 PUBLIC SPEAKER: Hello. I am Bobby May,
21 Chairman of the Republican Party for Buchanan
22 County, across the border in Virginia.

23 And I'm here tonight to support our
24 hard-working coal miners. I'm proud to be the son
25 of a coal miner and the father of a coal miner.

1 And I'm going to say something to all of these
2 miners assembled here tonight that you are not
3 going to hear from Barack Hussein Obama. And that
4 is, God bless a coal miner. (Applause).

5 And, by the way, if anyone is not aware of
6 this, "Hussein" in Arabic means "I hate coal
7 miners." And, folks, I want to say this to you
8 tonight, to anybody that thinks that coal mining
9 is ugly, just wait until you see poverty.

10 (Applause). This is a war on coal. Barack
11 Hussein Obama declared economic war on the
12 coalfields of Kentucky, Virginia, West Virginia.

13 But this fall we need to declare and win a
14 political war. We put Lisa Jackson on the
15 unemployment rolls instead of the hard-working
16 coal miners. (Applause). But, folks, be not
17 deceived. Lisa Jackson is not the problem. The
18 man that appointed her is the problem.

19 (Applause). And if you are not part of the
20 solution here tonight and this fall, in November,
21 then you are part of the problem.

22 According to information I got from the
23 internet, the 19 most recent objections alone are
24 estimated to have cost Kentucky 3,800 coal-related
25 jobs and more than \$123 million in coal severance

1 taxes alone. My advice to the EPA would be
2 approve these permits. Turn coal miners loose to
3 go back to work. And, man, we need the Social
4 Security, the national budget, and so on. And so
5 please let our coal miners go back to work by
6 approving these permits. Thank you.

7 (Applause)

8 SPEAKER NO. 64: My name is Mike Hansel. I
9 am speaker number 64.

10 This morning we heard a lot of rhetoric about
11 clean water, we heard a lot of rhetoric about coal
12 mining, we heard a lot of rhetoric, period. If
13 you want to know what these people think, all you
14 have to do is listen to the applause, listen to
15 the boo's. If you want to know who is for coal,
16 all you have to do is look in these chairs. You
17 can count it. It is real easy to count. Remember
18 what my grandmother said this morning, "It doesn't
19 take long. It is as plain as the nose on your
20 face, son. Let's see how smart you are."

21 Okay. I want to give you some -- I am going
22 to give you a few quotes that the government needs
23 to remember. Thomas Jefferson: "He who knows
24 nothing is closer to the truth than he whose mind
25 is filled with falsehoods and errors. To compel a

1 man to furnish funds for the propagation of ideas
2 he disbelieves and abhors is sinful and
3 tyrannical. The democracy will cease to exist
4 when you take away from those who are willing to
5 work and give to those who would not. Most bad
6 government has grown out of too much government.
7 A wise and frugal government, which shall restrain
8 men from injuring one another, which shall leave
9 them otherwise free to regulate their own pursuits
10 of industry and improvement, and shall not take
11 from the mouth of the labor and bread it has
12 earned. This is the sum of good government.
13 History, in general, only informs us of what bad
14 government is. To take from one because it is
15 thought that his own industry and that of his
16 father's has acquired too much, in order to spare
17 to others, who, or whose fathers, have not
18 exercised equal industry and skill, is to violate
19 arbitrarily the first principle of association,
20 the guarantee to every one of a free exercise of
21 his industry and the fruits acquired by it. A man
22 who has never gone to school may steal from a
23 freight car. But if he has a university
24 education, he could steal the whole train. I
25 don't pity any man who does hard work worth doing.

1 I admire him. I pity the creature who does not
2 work, at whichever end of the social scale he may
3 regard himself as being. The first requisite of a
4 good citizen in this republic of ours is he shall
5 be willing and able to pull his own weight. The
6 human body has two ends on it: one to create with
7 and one to sit on. Sometimes people get their
8 ends reversed. When this happens they need a kick
9 in the seat of the pants." Thomas Jefferson.

10 And here is one from Mike Hansel. "The
11 definition of an elephant: An elephant is a mouse
12 built to government specifications." Thank you.

13 (Applause)

14 SPEAKER NO. 67: I'm speaker number 67. My
15 name is Erin Savage, S-a-v-a-g-e. I'm a water
16 quality specialist with Appalachian Voices.

17 Since 2010, Appalachian Voices has brought
18 cases against three of Kentucky's largest coal
19 companies, ICG, Fraser Creek, and Nally &
20 Hamilton, for nearly 36,000 violations of the
21 Clean Water Act. These violations include
22 falsified discharge monitoring reports as well as
23 substantive permit limit violations. After these
24 companies began actually testing their discharge
25 and reporting accurately, they reported numbers

1 such as 28 milligrams per liter for maganese,
2 10 milligrams per liter for iron, 500 milligrams
3 per liter for TSS, and a pH as high as 10. These
4 violations were neither identified by the State of
5 Kentucky nor were adequately dealt with once the
6 State was made aware of the problems we found.
7 The State is clearly either unable or unwilling to
8 properly enforce the Clean Water Act. Therefore,
9 the EPA must intervene.

10 The permits in question here admit to having
11 inadequate baseline data for reasonable potential
12 analysis. This hearing is not about disallowing
13 mining in Kentucky. This hearing is solely about
14 water pollution permits. We must remember,
15 several thousand general permits were approved in
16 2009 through the general permit. The number in
17 question here represents only a small percentage.
18 Protecting our water quality is essential to the
19 health of the residents here. Living near
20 mountaintop removal, people are 50 percent more
21 likely to die of cancer and 42 percent more likely
22 to have children born with birth defects.

23 The EPA is not destroying coal jobs. Coal
24 jobs in Appalachia have increased by 6 percent
25 since 2009. The demand for coal is decreasing due

1 to competition from other energy sources, such as
2 natural gas. Coal now provides only 36 percent of
3 the nation's electricity. What Kentucky truly
4 needs is a diversified economy.

5 (Audience members respond)

6 MS. MacPHERSON: Thank you. Thank you.

7 SPEAKER NO. 66: Okay. My name is Matt
8 Lawson. I'm number 66. Here I work for
9 Appalachian Voices. We represent several thousand
10 members around the central and southern
11 Appalachian region.

12 I'm going to, more or less, throw away my
13 script because I have had a couple of chances to
14 speak before and just start by saying that, you
15 know, the cell phone in my pocket, about a third
16 of the electricity, the electrons that went into
17 that to charge it, came from coal. And I have no
18 interest, nor does my organization, nor does the
19 EPA, I am certain, have any interest in making
20 that electricity go away. We appreciate that --
21 that electricity.

22 And I want to say thank you sincerely to the
23 miners who have made that possible, who put their
24 lives at risk going underground doing very hard
25 work to make that possible. And I in no way and

1 nor does my organization or those we work with
2 want to put you out of work. That is not our
3 intention at all. And -- but there has been so
4 much misinformation that we have heard from some
5 of our local political leaders here, that it is
6 really -- well, it makes me feel for the EPA, in a
7 way. You have been imbued, I think in some
8 people's minds, with these almost God-like powers
9 of, you know, how -- of how much impact you can
10 have on electricity, on people's jobs. And in
11 reality, you know, this is the free market that is
12 driving most of this. And because of that, I
13 think that we just need to get back to what we
14 really need.

15 You know, EPA, what we're talking about, is
16 36 permits out of hundreds, thousands that have
17 been approved across the Appalachia. And if you
18 were to back up -- back down now, that would not
19 create one single job, because it would not create
20 one bit of demand for your -- more coal. All it
21 would do is give a greater advantage to the most
22 irresponsible operators who do the most damage to
23 the water in the area. So please just keep doing
24 your job. And thanks for being here.

25 (Audience members respond)

1 MS. MacPHERSON: Settle down. Settle down.

2 AUDIENCE MEMBERS: That is a joke. That is
3 joke.

4 MS. MacPHERSON: Next speaker, please.

5 SPEAKER NO. 71: I am speaker number 71,
6 Frank Thornsburg, T-h-o-r-n-s-b-u-r-y. And I am
7 just a concerned citizen from Johnson County.

8 To the various offices of the EPA, guests, my
9 fellow Kentuckians, today we have heard various
10 means and consequences of denying permits for coal
11 mining in eastern Kentucky. However, in my
12 allotted time, I would like to call attention to
13 the very personal side of systemically strangling
14 the coal industry. Take my 23-year-old friend
15 Aaron Meek, for instance, whose job was just taken
16 because of the EPA's arbitrary and inconsistent
17 policies. He, his wife, Codi, and his 3-year-old
18 son, Jacobi, depended on Aaron's job as a surface
19 miner to keep -- to meet their needs.

20 While talking to him before I came here, he
21 went to pains to express that his coal mining job
22 provided an excellent quality of life and that
23 though dangers existed, those dangers paled in
24 comparison to the love he has for his family and
25 the desire to provide for them. He was also quick

1 to explain that what he did in the mines and the
2 way he did it is the American way. And I agree
3 with him. To go out, work, and provide, always
4 driven for the love for God and country and the
5 idea that if he works hard enough Jacobi, his son,
6 will face a brighter future. In short, coal is
7 the Meek family's lifeblood. It is all of our
8 lifeblood here in eastern Kentucky, and that has
9 been taken away already for Aaron. Thus, to cease
10 the existence of the coal industry is to pry away
11 the American dream from the hands of hard-working
12 men and women in eastern Kentucky. Not to mention
13 that Jacobi, growing up seeing his father work so
14 hard and have his job taken away by big
15 government, that will leave a mark on Jacobi, and
16 that mark says that hard work has no reward. And
17 that's the greatest consequence of all.

18 And the bottom line is that if you take our
19 jobs, in November we will take yours. Thank you.

20 (Audience members stand. Applause.)

21 MS. MacPHERSON: Thank you. The next
22 speaker, please.

23 SPEAKER NO. 68: Yes. My name is David Gent,
24 G-e-n-t. I'm speaker number 68.

25 And tonight I'm -- I work for a company

1 called Xinergy. We have jobs in Virginia,
2 West Virginia, and Kentucky. And because of the
3 regulations that you guys have put upon us, we
4 have lost so many workers. I don't know exactly
5 the number. I'm the foreman for the job in
6 Virginia. But I came over here to speak because
7 we have people coming to my job that have lost
8 their jobs in Kentucky, West Virginia. They know
9 me. I've been around. Everybody calls me
10 "chicken man." They say, "Chicken man, I need a
11 job. I lost my job. I bought a new house. I
12 bought a new car." And the reason why they have
13 done that is because you guys are not using common
14 sense. (Applause). If you don't know, common
15 sense says that you will use sound and prudent
16 judgment based on a simple perception of the
17 situation or facts. The facts are, if you don't
18 release those permits a lot of these people right
19 here will not have a job.

20 And can -- let me ask you something. How
21 much coal have you mined in Atlanta, Georgia? How
22 much coal have you mined in Washington, DC?
23 (Applause). Can you stand there at that door
24 tonight and stand there and as these people go by
25 you reach out your hand and say, "I'm sorry.

1 We're going to take your job." And that's what
2 you are going to do if you don't turn loose of
3 these permits.

4 Another thing, one more thing I have got to
5 say, Lord God I hate saying this, but for all the
6 tree-huggers, for all of you tree-huggers, you
7 really want to save a tree? Eat more beavers.

8 (Applause)

9 MS. MacPHERSON: Okay. The next speaker,
10 please.

11 PUBLIC SPEAKER: My name is Mike Trivette. I
12 am not a politician, and I am not running for any
13 elected office. I'm a local physician in the
14 area. I am not here to defend or support any
15 coal.

16 My question is simply this: Why are we even
17 having this forum? This is not a fact-finding
18 mission. Your decision has already been made. I
19 think you are here as an extension of the --
20 President Obama's Administration. President Obama
21 has already said that his goal was to destroy the
22 coal industry. And what he couldn't do through
23 cap and trade, he is doing through you, the EPA.

24 But I want you to understand something. You
25 work for us, and we don't work for you. The

1 problem -- (Applause). Understand this. I find
2 it very disingenuous, even hypocritical for you to
3 take advantage of the benefits of coal and then
4 come and tell us how evil coal is when you use the
5 electricity. When you drove up in your car. Your
6 car was made of steel, which came from coke.
7 (Applause). And you're taking advantage of the
8 work, the hard work and sweat of the coal miner,
9 and yet you are up here trying to destroy the
10 livelihood of these people.

11 And I find you -- I find it despicable that
12 you would not even consider. Your mind is made
13 up. You are not here for a fact-finding mission.
14 You are here to make us dumb hillbilly coal miners
15 look stupid. And I am not here (Applause) to beg
16 crumbs from your table. Understand that. I'm
17 here to ask why you are even bothering to have
18 this session. Your mind is made up.

19 Coal -- if the coal miners will stand
20 together, if they will come together and decide
21 this is it, we're not going to run another lump of
22 coal until you guys are on the unemployment line
23 and they stand together as one and shut the mines
24 down, you'll see exactly what coal does. Thank
25 you very much.

1 (Applause)

2 MS. MacPHERSON: Thank you. Okay. This is
3 the last one? The last speaker, please.

4 PUBLIC SPEAKER: Christie Riggins. That is
5 spelled C-h-r-i-s-t-i-e R-i-g-g-i-n-s. I work for
6 Summit Engineering, and I'm an environmental
7 scientist.

8 I'm a degreed environmental scientist
9 concentrated in aquatic resources, and most of my
10 time is spent in the streams and creeks of the
11 Appalachia. By following fair and reasonable
12 guidelines set forth by the State, I have seen
13 with my own eyes coal industries improve the
14 quality of life and the environment while still
15 providing economic development and energy
16 resources. However, the liberty of mining coal,
17 to mine coal, is being threatened by this
18 Administration. It is the free market and not the
19 government that is the solution to America's
20 energy needs. Inhibiting the free market only
21 prohibits technology advancement for the efficient
22 use of our natural resources.

23 Recent science brought forth by the EPA is
24 also highly motivated by political interference
25 and funding. There is more science left out than

1 is put in. It is this kind of unfair, unfounded
2 EPA science that is being used to cripple our
3 economy. (Applause). One speaker mentioned --
4 and are you all ready for this? -- coal mining has
5 caused a decreased life expectancy here in Pike
6 County. And, additionally, he stated that
7 employment has increased by 6 percent in this
8 area. Statements such as this are loaded, stilted
9 claims supported by the EPA and their supporters.
10 And they have the nerve to come here to Pikeville,
11 Kentucky and state that is scientific fact. The
12 fact is that the number of jobs available has
13 decreased. If the same number of jobs were still
14 available now as those that were available when
15 Obama took office, employment would have increased
16 significantly.

17 It seems that the EPA has an agenda that
18 common sense cannot unravel, being funded by our
19 tax dollars. If we bleed, you bleed with us. We
20 must have our voices heard in November. Change
21 must happen. We will raise our voices and be
22 heard by all and end this tyranny on our coal, on
23 our jobs, and on our liberty.

24 (Applause)

25 SPEAKER NO. 75: My name is Tina Bryant,

1 B-r-y-a-n-t. I'm number 75. I'm just
2 representing my family. My husband is a coal
3 truck driver. He just got off of work, 16 hours
4 working driving a truck. For those 16 hours he
5 only got four loads. Now, how is that supposed to
6 help me and my family? You guys keep pushing and
7 keep pushing. You want clean water? Well, guess
8 what? There is water everywhere. Go find it.
9 But don't take away jobs from these people around
10 here. They have got families. You guys have got
11 families. What would happen if we would come and
12 take your job? Would you like it? No.

13 All you guys want to do is talk statistics.
14 Nobody says why. Why do you want to take our
15 jobs? Why do you want to take these men's jobs?
16 These people are supporting their families. Just
17 leave us alone. Go do whatever you guys want to
18 do. But leave these jobs alone, and we'll all be
19 happy.

20 (Applause)

21 SPEAKER NO. 72: Number 72, Skip Holmes.
22 Like most of you up there, I am not a native of
23 eastern Kentucky. But having lived here for 18
24 months, I have gained some insight as to how
25 important coal is to this state and to this entire

1 United States. All I have to do is listen to the
2 coal train that rumbles by my home 10 times a day
3 pulling 100 cars behind it. That's 1,000 coal
4 cars every day just going on one route. When you
5 see the slogan "coal keeps the lights on," that is
6 not just a slogan, that is a fact.

7 Coal provides electric power for millions and
8 millions of households in this country. All our
9 countrymen do is flip the switch and they expect
10 the lights to go on. The day they don't come on,
11 it will be too late to fix the problem. Green is
12 a nice color, and it is a nice concept. But that
13 is what it is right now, it is a concept. Solar,
14 wind, geothermal, nuclear, natural gas, those are
15 all nice concepts. But these have potential --
16 they don't have potential to replace coal in the
17 near term or even the midterm. The recent failure
18 of Solyndra is a perfect example of just how
19 difficult it is to create new renewable sources of
20 energy. It is going to take decades to develop
21 these new sources of energy. And in the meantime,
22 you are killing the one true tested source of
23 energy.

24 Here in the mountains of eastern Kentucky and
25 West Virginia, coal has been the lifeblood of the

1 region. This state has gone from a high of 47,000
2 jobs in the industry to under 20,000 jobs today.
3 That number falls every time you reject an
4 application. Eastern Kentucky is blessed and it
5 is cursed by these mountains. They have provided
6 coal to fuel the nation's jobs and create jobs for
7 thousands of miners. But they have also
8 restricted the growth of manufacturing and
9 transportation. Without the mines, this community
10 will be pushed back to limited opportunities of
11 yesterday.

12 (Applause)

13 PUBLIC SPEAKER: Before I get started, my
14 name is Mike Baisden. I'm a candidate for the
15 House of Delegates in West Virginia in the 20th
16 District. That is in southern West Virginia, in
17 Mingo County and Logan County.

18 And I would like to respectfully request that
19 the time on the clock be changed to four minutes,
20 if I can. If you could change that to four
21 minutes.

22 MS. MacPHERSON: And why is that?

23 PUBLIC SPEAKER: Well, I just would like to
24 ask that. You can't do that because that's not
25 fair; right?

1 MS. MacPHERSON: That's right.

2 PUBLIC SPEAKER: It is not fair for you to
3 change it.

4 (Applause)

5 MS. MacPHERSON: That's right.

6 PUBLIC SPEAKER: It is not fair for you to
7 change the rules in midstream. It is not fair to
8 my good friend Bobby, who spoke up here two
9 minutes ago and you gave him two minutes. And
10 that's all I want, is a fair shot to speak to you
11 all. And I appreciate the opportunity to do that.

12 But now that we're all friends and buddies
13 and we're just around and we're just talking now,
14 let me ask you this: Do you all really believe
15 that green energy -- and, by the way, in case you
16 didn't know, solar panels were invented in the
17 90s, and that is the 1890s. They haven't worked
18 since then. They won't work now. And they won't
19 work 50 years in the future. I don't know what
20 you expect. (Applause). But I live for the day.
21 I live for the day, Ladies and Gentlemen, when
22 Mr. Obama is laying -- (indicating) -- Mr. Obama
23 is laying on a surgical table and they walk into
24 him and say, "Well, you know, the Commission that
25 approves your operation has said, 'Yeah, you can

1 go ahead and have it. We're just waiting for the
2 clouds to clear out and the wind to pick up so we
3 can operate on you.'" "

4 (Applause)

5 MS. MacPHERSON: Okay. Wait one second.
6 Okay. Next speaker, please.

7 SPEAKER NO. 74: I am speaker 74, Jimmie
8 Rogers, J-i-m-m-i-e R-o-g-e-r-s.

9 I would like to ask you folks a question.
10 Why are you here? Because I just heard on the
11 news that a commentator said, "President Obama
12 wants to shutdown every coal mining operation in
13 the United States." So I ask you, why are you
14 here? On the evening news another commentator
15 said, "The federal government is going to shutdown
16 all natural gas drilling." On the news just
17 recently, and you probably know his name, I didn't
18 have time to write it, a former EPA official made
19 the statement, "Crucify, crucify the coal
20 business." I can't find that on my notes right
21 now. He said to crucify the oil and the -- -- and
22 the gas business.

23 So my question is: Why do you think the Lord
24 Jesus Christ put the coal in the ground
25 (Applause), put the gas in the ground, put the

1 precious metals in the ground? To sit there? He
2 put the coal and the gas in the ground for us to
3 mine it and to get it out to make a living.

4 We have no industries in Pike County except
5 coal and gas. If you shut this down, this will be
6 a ghost town. A ghost town. So we want to see
7 these people work and work efficiently and obey
8 the law. But all I hear on the news is, "Over
9 regulation. Over regulation." My 7-year-old
10 granddaughter can't even have a lemonade stand.
11 All these four-lane highways we have, U.S. 460,
12 U.S. 23, U.S. 119, and Kentucky 80, I don't hear
13 anybody from the Sierra Club complaining about
14 these four lanes that they did mountaintop
15 removal. But I hear all of this crap about the
16 coal mining, that it is bad. Hallelujah.

17 (Applause)

18 MS. MacPHERSON: Thank you. Thank you. Just
19 one second before you get started.

20 SPEAKER NO. 79: I'm Winston Oliver, number
21 79. Winston Oliver, 0-l-i-v-e-r.

22 First of all, I love Kentucky, especially
23 eastern Kentucky. I have a tremendous amount of
24 respect for anyone that works in the coal
25 industry. I dream of a Kentucky where the EPA can

1 give grants to universities and local governments
2 to help coal gasification become a reality and
3 clean coal technology. I hope to see some day
4 that we can have these clean coal power plants
5 built right here in this county and all of the
6 coal-producing counties can export electricity to
7 the United States all over the continent.

8 I also think that it's amazing what
9 mountaintop removal can do, as far as development.
10 I think that it can be -- it can go hand-and-hand
11 with the environmentalists. Why not develop wind
12 farms and solar farms on some of the reclaimed
13 sites? And as far as water goes, I would like to
14 see the EPA help local utility companies extend
15 waterlines to all the people that have bad water
16 that need help with their water. I think that is
17 a solution.

18 And I -- I think that mountaintop removal
19 sites are -- would make a good tourist attraction.
20 The -- some of the mines that have already been
21 mined, people come from all over to look at them,
22 I think in Harlan and places. What we do have
23 here needs to be marketed better. People that
24 want to support it, let them support it, you know?
25 There is good on both sides. That's all I have to

1 say.

2 (Applause)

3 MS. MacPHERSON: Thank you. Okay. Next
4 speaker.

5 SPEAKER NO. 76: Good evening. I am speaker
6 number 76. My name is Rob Baldwin, B-a-l-d-w-i-n.
7 And I am a concerned citizen of southern West
8 Virginia.

9 Much has already been said tonight concerning
10 the devastating economic consequences of EPA's
11 decision to obstruct 36 mining permits in the
12 state of Kentucky and many more in my home state
13 of West Virginia. But what I want to talk about
14 tonight is the scientific justification that EPA
15 uses in their rationale for obstructing these
16 permits. Why haven't any peer-reviewed studies
17 been released that justify implementation of ultra
18 strict water quality standards for such parameters
19 as selenium and conductivity, many of which we
20 have to -- the coal industry has to adhere to
21 limits in parts per billion. If such overwhelming
22 scientific consensus exists concerning damage to
23 the aquatic community from these parameters at
24 these concentrations, one would think that this
25 data would be readily available. You would think

1 it wouldn't be too difficult to find it. The
2 absence of readily available data concerning these
3 parameters leads one to believe that the limits
4 enforced by EPA and EPA's objections to mining
5 permits based on potential harm to aquatic life
6 are just an excuse to obstruct coal production and
7 the burning of fossil fuels in the United States.
8 Any reasonable person or agency would not risk
9 further jeopardizing an already fragile economy
10 without having sound, irrefutable data to justify
11 it. And all I want to know is, where is this
12 data. Thank you.

13 (Applause)

14 MS. MacPHERSON: Thank you. Okay. My
15 understanding is you are the last speaker. Are
16 there any other speakers that have speaker
17 numbers? Okay. Please go ahead.

18 SPEAKER NO. 80: I'm speaker number 80, David
19 Kirkland, K-i-r-k-l-a-n-d. I was born and raised
20 in this area.

21 The coal mountains are what brought this area
22 to be what it is. And you all are trying to
23 strike it down. Fifty-one percent of our nation's
24 energy comes from coal, of which Washington, DC,
25 where you all make these laws, is also powered by

1 coal. So earlier it was asked that you all turn
2 the lights off, and that was not done. So I
3 assume that you all do not want to go without your
4 power. Therefore, do not strike down this coal.
5 (Applause). We need it. Our economy is already
6 fragile. We have unemployment rates not seen
7 since the Depression, and you all want to further
8 put people out of business. You all want to put
9 down these companies that are trying to employ
10 people.

11 And coal doesn't just -- it is not just for
12 power. It is used in insecticides, which help our
13 farms produce food. It is used in charcoal, which
14 we use for our grills. It is used in medicine.
15 It's -- for example, if a child ingests something
16 they shouldn't have, charcoal is placed in their
17 stomach to remove it. It is used in artificial --
18 it is used in many things, TNT, linoleum that you
19 all put in your-all's fancy houses up in
20 Washington. (Applause). It is used in the
21 perfumes that you all put on yourself. It is used
22 in ammonia, which we use to clean our homes. It
23 is used in paint. It is not just power. It is
24 used to heat and melt steel so that we can have
25 buildings like this and like we have out in

1 Washington.

2 My question to you is: We are the people and
3 we want the coal, so why can't we have it?

4 (Applause)

5 MS. MacPHERSON: Okay. At this time, I would
6 like to turn it back to Jim Giattina for some
7 closing comments. Jim.

8 MR. GIATTINA: I want to thank you all for
9 your participation both this afternoon and this
10 evening. I know it has been a long day for folks,
11 and we truly do appreciate it. We understand and
12 can feel the passion on all sides of this issue.

13 I can assure you that our minds are not made
14 up on these permits. The comments that we
15 receive, both oral and written, as I said at the
16 outset, will be considered and evaluated as we
17 make the final determination regarding the permit
18 objections. After consideration of the record
19 that you have provided to us here and in
20 Frankfort, after we consider again the
21 requirements of the Clean Water Act and its
22 regulations, the Regional Administrator in Atlanta
23 will make a determination concerning the
24 objections and we'll notify Kentucky DOW, the
25 districts, and all of you who have provided your

1 address this evening.

2 Again, I thank you for your participation.

3 And we stand adjourned.

4 (Public hearing concluded at 9:30 p.m.)

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1 REPORTER'S CERTIFICATE

2 STATE OF KENTUCKY)

3 COUNTY OF FAYETTE)

4 I, LISA M. SCHWARZE, RPR, KyCCR, and Notary
5 Public in and for the Commonwealth of Kentucky at
6 Large, do hereby certify that the facts as stated by
7 me in the caption hereto are true; that the foregoing
8 proceedings as indicated were made before me by the
9 parties hereinbefore named, and were thereafter
10 reduced to computer-aided transcription by me and
11 under my supervision; and that the same is a true and
12 accurate transcript of the proceedings to the best of
13 my ability.

14 I further certify that I am not employed by,
15 related to, nor of counsel for any of the parties
16 herein, nor otherwise interested in the outcome of
17 this proceeding.

18 IN WITNESS WHEREOF, I have affixed my
19 signature and seal this 11th day of June, 2012.

20
21
22 LISA M. SCHWARZE, RPR, KyCCR
23 Notary Public, State-at-Large
24 2404 Doubletree Court
25 Lexington, Kentucky 40514
859.533.8961

My Commission Expires: June 13, 2013

SWORN TESTIMONY, PLLC

2404 Doubletree Court, Lexington, Kentucky 40514
(859) 533-8961